

SENATE BILL 695

I4, D3

9lr1387
CF HB 1065

By: **Senator Kramer**

Introduced and read first time: February 4, 2019

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Maryland Commercial Receivership Act**

3 FOR the purpose of authorizing a court to appoint a receiver under certain circumstances;
4 providing that a certain mortgagee is entitled to appointment of a receiver; requiring
5 a court to appoint a receiver under certain circumstances; authorizing a court to
6 condition appointment of a receiver on the giving of certain security under certain
7 circumstances; authorizing a court to appoint a certain person as an ancillary
8 receiver for certain property; specifying certain requirements an ancillary receiver
9 must meet; authorizing a court to issue a certain order; establishing the rights,
10 powers, and duties of an ancillary receiver; prohibiting a court from appointing a
11 certain person as a receiver; providing that a person is disqualified from appointment
12 as a receiver under certain circumstances; authorizing a certain person to nominate
13 a person to serve as receiver; specifying that a court is not bound by a certain
14 nomination; authorizing a court to determine whether or not a receiver must post a
15 certain bond or security with the court; providing that a certain bond may meet
16 certain requirements; establishing the authority of a court that appoints a receiver
17 under this Act; establishing the powers, duties, and rights of a receiver; requiring a
18 certain claim submitted by a creditor to meet certain requirements; providing for the
19 effectiveness of a certain assignment of a certain claim; requiring the court to
20 respond to a certain claim and authorizing the court to order certain actions;
21 requiring that a certain distribution of receivership property be made in a certain
22 manner; prohibiting a receiver from engaging certain professionals without court
23 approval; requiring a certain request to disclose certain information to the court;
24 providing that a certain person is not disqualified from certain engagement under
25 certain circumstances; authorizing a court to disqualify a certain person if the court

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 makes a certain determination about a conflict of interest; providing that this Act
2 does not prevent a receiver from serving in the receivership in a certain capacity;
3 requiring a certain person or a receiver to file a certain itemized statement with the
4 court; requiring a court to set a certain hearing under certain circumstances;
5 authorizing a court to order a certain sale; providing that a certain transfer of
6 property may be free and clear of a certain lien or other interest in the property under
7 certain circumstances; providing that a certain lien or other interest attaches to
8 certain proceeds in a certain manner; authorizing a certain purchase of property by
9 a creditor under certain circumstances; providing that a certain reversal or
10 modification of a certain order does not have certain effects; authorizing a court to
11 condition assumption or rejection of a certain contract on certain terms and
12 conditions; providing that a certain performance of a certain contract does not
13 constitute a certain assumption or agreement or prevent a certain action;
14 authorizing a court to order a receiver to assume or reject a certain contract under
15 certain circumstances; providing that a certain obligation or liability must be treated
16 in a certain manner; providing that a certain rejection of a certain contract shall be
17 effective at a certain time and treated in a certain manner; providing that a certain
18 right to possess or use property shall terminate on rejection of a certain contract;
19 requiring a certain claim for damages to be submitted before the later of the time for
20 submitting a certain claim or a certain number of days after entry of a certain order;
21 providing for the effects of a certain rejection of a certain contract; prohibiting a
22 receiver from assuming or assigning a certain contract under certain circumstances;
23 authorizing a receiver to assign a certain contract under certain circumstances;
24 prohibiting a receiver from rejecting a certain lease under certain circumstances;
25 providing that a certain entry of an order appointing a receiver shall operate as a
26 stay of a certain act; authorizing a court to order a certain stay under certain
27 circumstances; prohibiting a court from ordering a certain stay under certain
28 circumstances; providing that certain matters are not stayed under certain
29 circumstances; authorizing a certain person to apply to the court for relief from a
30 stay under certain circumstances; providing for the termination of a certain stay
31 under certain circumstances; authorizing a court to void a certain act and take
32 certain actions against a person who violates a certain stay under certain
33 circumstances; requiring a person who has certain possession, custody, or control of
34 certain property to turn the property over to the receiver under certain
35 circumstances; authorizing a certain creditor to retain possession, custody, or control
36 of certain property under certain circumstances; providing that a certain person may
37 not satisfy a certain debt in a certain manner; authorizing a court to sanction as civil
38 contempt a certain failure; requiring a certain owner to take certain actions under
39 certain circumstances; providing for the application of certain provisions of this Act
40 regarding the duties of a certain owner; authorizing a court to take certain actions
41 after a certain failure to perform a certain duty; providing that certain property is
42 subject to a certain security agreement; providing that a certain request or
43 application by a mortgagee does not have certain effects; requiring that a certain
44 assignee for the benefit of creditors be treated as a certain receiver; requiring certain
45 property to be treated in a certain manner; authorizing the court to issue a certain
46 order under certain circumstances; requiring a certain motion to be served in a
47 certain manner and on certain persons; ~~authorizing a certain party to file a certain~~

1 ~~appeal under certain circumstances and in a certain manner~~ authorizing a court to
2 direct an entry of a final order under certain circumstances; establishing certain
3 reporting requirements; authorizing a court to award certain fees and expenses and
4 order a certain person to pay certain fees and expenses; providing that a receiver is
5 entitled to certain defenses and immunities; requiring a person to receive certain
6 approval from a court before taking certain actions; authorizing a court to remove a
7 receiver under certain circumstances; requiring a court to replace a certain receiver;
8 providing that a receiver is discharged under certain circumstances; requiring a
9 receivership to terminate automatically under certain circumstances; authorizing a
10 court to discharge a receiver and terminate the court's administration of the
11 receivership under certain circumstances; repealing certain provisions of law
12 regarding an assignee for the benefit of creditors; establishing a certain short title;
13 providing for the application of this Act; defining certain terms; and generally
14 relating to the Maryland Commercial Receivership Act.

15 BY repealing and reenacting, without amendments,
16 Article – Commercial Law
17 Section 15–101 and 15–102
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2018 Supplement)

20 BY repealing
21 Article – Commercial Law
22 Section 15–103
23 Annotated Code of Maryland
24 (2013 Replacement Volume and 2018 Supplement)

25 BY adding to
26 Article – Commercial Law
27 Section 24–101 through 24–801 to be under the new title “Title 24. Maryland
28 Commercial Receivership Act”
29 Annotated Code of Maryland
30 (2013 Replacement Volume and 2018 Supplement)

31 BY repealing and reenacting, with amendments,
32 Article – Corporations and Associations
33 Section 3–416
34 Annotated Code of Maryland
35 (2014 Replacement Volume and 2018 Supplement)

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
37 That the Laws of Maryland read as follows:

38 **Article – Commercial Law**

39 15–101.

1 (a) (1) For purposes of this section the following words, as used in federal
2 bankruptcy laws, have the meanings indicated.

3 (2) “The case” means the assignment for the benefit of creditors proceeding
4 or the receivership proceeding, whichever is applicable;

5 (3) “Commencement of the case” means commencement of the assignment
6 for the benefit of creditors proceeding or receivership proceeding;

7 (4) “The court” means the court in which the assignment for the benefit of
8 creditors proceeding or receivership proceeding is filed;

9 (5) “Date of the filing of the petition” means the date of the commencement
10 of the assignment for the benefit of creditors proceeding or receivership proceeding;

11 (6) “Debtor” means the insolvent as that term is defined in subsection (b)
12 of this section;

13 (7) (i) “The estate” means the estate that is created when an assignee
14 for the benefit of creditors or a receiver of the assets of an insolvent is appointed;

15 (ii) “The estate” includes all property, assets, interests, and rights
16 with respect to which the assignee or receiver is acting as a fiduciary;

17 (8) “Order for relief” means the order appointing the assignee for the
18 benefit of creditors or the receiver of the assets of an insolvent;

19 (9) “Petition” means the pleading filed to commence the assignment for the
20 benefit of creditors proceeding or receivership proceeding;

21 (10) “Trustee” means the assignee for the benefit of creditors or receiver of
22 the assets of an insolvent; and

23 (11) Other words, including “insolvent” and “insider”, when used in federal
24 bankruptcy law shall have the meanings set forth in the definition section of the federal
25 bankruptcy law or as interpreted by the federal courts applying federal bankruptcy law.

26 (b) (1) In this section the following words have the meanings indicated.

27 (2) “Insolvent” means the assignor in an assignment for the benefit of
28 creditors proceeding or the insolvent with respect to whose affairs a receiver has been
29 appointed.

30 (3) “Judicial lien” means a lien obtained by judgment, levy, sequestration,
31 or other legal or equitable process or proceeding.

1 (c) Any assignee for the benefit of creditors or receiver of the assets of an insolvent
2 shall be vested with full title to all the property and assets of the insolvent and with full
3 power to enforce obligations or liabilities in favor of the insolvent.

4 (d) All preferences, payments, transfers, and obligations made or suffered by the
5 insolvent which are fraudulent, void, or voidable under any act of the Congress of the
6 United States relating to bankruptcy are fraudulent, void, or voidable, respectively, under
7 this subtitle to the same extent that they would be fraudulent, void, or voidable under
8 applicable federal bankruptcy law.

9 (e) Any assignee for the benefit of creditors or receiver of the assets of an insolvent
10 may set aside any:

11 (1) Fraudulent conveyance as defined in Subtitle 2 of this title; and

12 (2) Preference, payment, transfer, or obligation that is fraudulent, void, or
13 voidable under subsection (d) of this section.

14 (f) Any assignee for the benefit of creditors or receiver of the assets of an insolvent
15 has, as of the date of the commencement of the proceeding, the rights:

16 (1) Of a creditor that extends credit to the insolvent at the time of the
17 commencement of the proceeding and that obtains, at such time and with respect to such
18 credit, a judicial lien on all property on which a creditor on a simple contract could have
19 obtained such a judicial lien, whether or not such a creditor exists;

20 (2) Of a creditor that extends credit to the insolvent at the time of the
21 commencement of the proceeding and obtains, at such time and with respect to such credit,
22 an execution against the insolvent that is returned unsatisfied at such time, whether or not
23 such a creditor exists;

24 (3) Of a bona fide purchaser of real property, other than fixtures, from the
25 insolvent, against whom applicable law permits such transfer to be perfected, that obtains
26 the status of a bona fide purchaser and has perfected such transfer at the time of the
27 commencement of the proceeding, whether or not such a purchaser exists; and

28 (4) To avoid any preference, payment, transfer, or obligation that is
29 fraudulent, void, or voidable under subsection (d) of this section.

30 15–102.

31 (a) (1) In this section the following words have the meanings indicated.

32 (2) “Person” includes an individual, corporation, business trust, statutory
33 trust, estate, trust, partnership, limited liability company, association, two or more persons
34 having a joint or common interest, or any other legal or commercial entity.

1 (3) “Wages” means all remuneration paid to any employee for his
2 employment, including the cash value of all remuneration paid in any medium other than
3 cash.

4 (b) The property of an insolvent who makes an assignment for the benefit of
5 creditors or who has his property taken by a receiver under a decree of a court in an
6 insolvency proceeding shall be applied to the following, in the order stated:

7 (1) Costs and expenses of the administration of the trust or insolvency
8 proceeding which the court approves;

9 (2) Wages of an employee and health, welfare, and pension contributions
10 contracted for in place of wages, earned not more than three months before the assignment
11 or institution of the insolvency proceeding;

12 (3) Lien claims of the State, a county, municipal corporation, or other
13 political subdivision of the State perfected or recorded before the assignment or institution
14 of the insolvency proceeding, and claims of persons having judicial liens on property of the
15 insolvent recorded more than four months before the assignment or institution of the
16 insolvency proceeding;

17 (4) Unsecured claims of individuals, to the extent of \$900 for each
18 individual, arising from the deposit, before the commencement of the case, of money in
19 connection with the purchase, lease, or rental of property, or the purchase of services, for
20 the personal, family, or household use of the individuals, that were not delivered or
21 provided;

22 (5) Rent for any interest in real property in the State due not more than
23 three months before the execution of the assignment or institution of the insolvency
24 proceeding;

25 (6) Charges in connection with the transportation of goods advanced by one
26 common carrier to another on behalf of a consignor or consignee not more than three
27 months before the assignment or institution of the insolvency proceeding;

28 (7) Taxes not included in paragraph (3) of this subsection; and

29 (8) Claims of unsecured creditors.

30 (c) For the purpose of subsection (b)(1) of this section, the landlord’s claim for rent
31 for any interest in real property in this State due not more than three months before the
32 execution of the assignment or institution of the insolvency proceeding shall be considered
33 a perfected lien on the distrainable property of the insolvent to the same extent as if distress
34 for rent was levied by the landlord before the assignment or the institution of the insolvency
35 proceeding.

1 (a) Title to property may not pass to an assignee for the benefit of creditors until
2 the assignee files a bond as required by the Maryland Rules. If the assignee makes a sale
3 before filing a bond, the sale is not valid and does not pass title to the property sold.

4 (b) If all other legal requirements were met, a conveyance made by an assignee
5 for the benefit of creditors when two sureties on the bond were required is valid even though
6 a bond was given with only one surety.

7 (c) A sale by an assignee for the benefit of creditors is not valid unless ratified by
8 the court.]

9 **TITLE 24. MARYLAND COMMERCIAL RECEIVERSHIP ACT.**

10 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

11 **24-101.**

12 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) "AFFILIATE" MEANS:

15 (1) WITH RESPECT TO AN INDIVIDUAL:

16 (I) THE SPOUSE OF THE INDIVIDUAL;

17 (II) A LINEAL ANCESTOR OR DESCENDANT, WHETHER BY BLOOD
18 OR ADOPTION, OF:

19 1. THE INDIVIDUAL; OR

20 2. THE SPOUSE OF THE INDIVIDUAL;

21 (III) THE SPOUSE OF AN ANCESTOR OR A DESCENDANT
22 DESCRIBED IN ITEM (II) OF THIS ITEM;

23 (IV) A SIBLING, AN AUNT, AN UNCLE, A GREAT AUNT, A GREAT
24 UNCLE, A FIRST COUSIN, A NIECE, A NEPHEW, A GRANDNIECE, OR A GRANDNEPHEW
25 OF THE INDIVIDUAL, WHETHER RELATED BY THE WHOLE OR THE HALF BLOOD OR
26 ADOPTION, OR A SPOUSE OF ANY OF THE LISTED INDIVIDUALS; OR

27 (V) ANY OTHER INDIVIDUAL OCCUPYING THE RESIDENCE OF
28 THE INDIVIDUAL; OR

1 **(2) WITH RESPECT TO A PERSON OTHER THAN AN INDIVIDUAL:**

2 **(I) ANOTHER PERSON THAT, DIRECTLY OR INDIRECTLY,**
3 **CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH THE**
4 **PERSON;**

5 **(II) AN OFFICER, A DIRECTOR, A MANAGER, A MEMBER, A**
6 **PARTNER, AN EMPLOYEE, OR A TRUSTEE OR ANY OTHER FIDUCIARY OF THE PERSON;**
7 **OR**

8 **(III) A SPOUSE OF, OR AN INDIVIDUAL OCCUPYING THE**
9 **RESIDENCE OF, AN INDIVIDUAL DESCRIBED IN ITEM (I) OR (II) OF THIS ITEM.**

10 **(C) “COUNTERPARTY” MEANS ANY OTHER PARTY TO AN EXECUTORY**
11 **CONTRACT OR UNEXPIRED LEASE WITH THE OWNER.**

12 **(D) “COURT” MEANS THE COURT IN WHICH A RECEIVERSHIP IS FILED.**

13 **(E) “EXECUTORY CONTRACT” MEANS A CONTRACT, INCLUDING A LEASE,**
14 **UNDER WHICH:**

15 **(1) THE OBLIGATIONS OF ALL PARTIES ARE NOT FULLY PERFORMED;**
16 **AND**

17 **(2) THE FAILURE OF A PARTY TO COMPLETE PERFORMANCE OF THE**
18 **PARTY’S OBLIGATIONS WOULD CONSTITUTE A MATERIAL BREACH.**

19 **(F) “GOVERNMENTAL UNIT” MEANS AN OFFICE, A DEPARTMENT, A**
20 **DIVISION, A BUREAU, A BOARD, A COMMISSION, OR ANY OTHER UNIT OF THE STATE**
21 **OR SUBDIVISION OF THE STATE.**

22 **(G) “INTELLECTUAL PROPERTY” MEANS, TO THE EXTENT PROTECTED BY**
23 **APPLICABLE LAW:**

24 **(1) A TRADE SECRET;**

25 **(2) AN INVENTION, PROCESS, DESIGN, OR PLANT;**

26 **(3) A PATENT APPLICATION;**

27 **(4) A PLANT VARIETY;**

28 **(5) A WORK OF AUTHORSHIP;**

29 **(6) A MASK WORK; OR**

1 **(7) A TRADEMARK OR SERVICE MARK.**

2 **(H) “LIEN” MEANS AN INTEREST IN PROPERTY THAT SECURES PAYMENT OR**
3 **PERFORMANCE OF AN OBLIGATION.**

4 **(I) “MASTER SERVICE LIST” MEANS THE LIST A RECEIVER IS REQUIRED TO**
5 **FILE WITH THE COURT UNDER § 24-501(C) OF THIS TITLE.**

6 **(J) (1) “MORTGAGE” MEANS A RECORD, BY ANY TITLE, THAT CREATES OR**
7 **PROVIDES FOR A CONSENSUAL LIEN ON REAL PROPERTY OR RENT, EVEN IF THE**
8 **RECORD ALSO CREATES OR PROVIDES FOR A LIEN ON PERSONAL PROPERTY.**

9 **(2) “MORTGAGE” INCLUDES:**

10 **(I) AN INDEMNITY MORTGAGE;**

11 **(II) A DEED OF TRUST; AND**

12 **(III) AN INDEMNITY DEED OF TRUST.**

13 **(K) “MORTGAGEE” MEANS A PERSON ENTITLED TO ENFORCE AN**
14 **OBLIGATION SECURED BY A MORTGAGE.**

15 **(L) “MORTGAGOR” MEANS A PERSON THAT GRANTS A MORTGAGE OR A**
16 **SUCCESSOR IN OWNERSHIP OF THE REAL PROPERTY DESCRIBED IN THE MORTGAGE.**

17 **(M) “OWNER” MEANS THE PERSON FOR WHOSE PROPERTY OR BUSINESS A**
18 **RECEIVER IS APPOINTED.**

19 **(N) “PERSON” INCLUDES AN INDIVIDUAL, AN ESTATE, A BUSINESS, A**
20 **NONPROFIT ENTITY, A PUBLIC CORPORATION, A GOVERNMENTAL UNIT, AN**
21 **INSTRUMENTALITY, AND ANY OTHER LEGAL ENTITY.**

22 **(O) “PROCEEDS” MEANS:**

23 **(1) WHATEVER IS ACQUIRED ON THE SALE, LEASE, LICENSE,**
24 **EXCHANGE, OR OTHER DISPOSITION OF RECEIVERSHIP PROPERTY;**

25 **(2) WHATEVER IS COLLECTED ON, OR DISTRIBUTED ON ACCOUNT OF,**
26 **RECEIVERSHIP PROPERTY;**

27 **(3) RIGHTS ARISING OUT OF RECEIVERSHIP PROPERTY;**

1 **(4) TO THE EXTENT OF THE VALUE OF RECEIVERSHIP PROPERTY,**
2 **CLAIMS ARISING OUT OF THE LOSS, NONCONFORMITY, OR INTERFERENCE WITH THE**
3 **USE OF, DEFECTS OR INFRINGEMENT OF RIGHTS IN, OR DAMAGE TO THE PROPERTY;**
4 **OR**

5 **(5) TO THE EXTENT OF THE VALUE OF RECEIVERSHIP PROPERTY AND**
6 **TO THE EXTENT PAYABLE TO THE OWNER OR MORTGAGEE, INSURANCE PAYABLE BY**
7 **REASON OF:**

8 **(I) THE LOSS OR NONCONFORMITY OF THE PROPERTY;**

9 **(II) DEFECTS OR INFRINGEMENT OF RIGHTS IN THE PROPERTY;**
10 **OR**

11 **(III) DAMAGE TO THE PROPERTY.**

12 **(P) (1) "PROPERTY" MEANS ALL OF A PERSON'S RIGHT, TITLE, AND**
13 **INTEREST, BOTH LEGAL AND EQUITABLE, IN REAL AND PERSONAL PROPERTY,**
14 **TANGIBLE AND INTANGIBLE, WHEREVER LOCATED AND HOWEVER ACQUIRED.**

15 **(2) "PROPERTY" INCLUDES PROCEEDS, PRODUCTS, OFFSPRING,**
16 **RENT, AND PROFITS OF OR FROM THE PROPERTY.**

17 **(3) "PROPERTY" DOES NOT INCLUDE:**

18 **(I) ANY POWER THAT THE OWNER MAY EXERCISE SOLELY FOR**
19 **THE BENEFIT OF ANOTHER PERSON; OR**

20 **(II) PROPERTY IMPRESSED WITH A TRUST, EXCEPT TO THE**
21 **EXTENT THAT THE OWNER HAS A RESIDUAL INTEREST.**

22 **(Q) "RECEIVER" MEANS A PERSON APPOINTED BY THE COURT UNDER §**
23 **24-201(A) OF THIS TITLE, AND SUBJECT TO THE COURT'S AUTHORITY, TO TAKE**
24 **POSSESSION OF, MANAGE, AND, IF AUTHORIZED BY THIS TITLE OR COURT ORDER,**
25 **TRANSFER, SELL, LEASE, LICENSE, EXCHANGE, COLLECT, OR OTHERWISE DISPOSE**
26 **OF RECEIVERSHIP PROPERTY.**

27 **(R) "RECEIVERSHIP" MEANS A PROCEEDING IN WHICH A RECEIVER IS**
28 **APPOINTED.**

29 **(S) (1) "RECEIVERSHIP PROPERTY" MEANS THE PROPERTY OR BUSINESS**
30 **OF AN OWNER THAT IS DESCRIBED IN THE ORDER APPOINTING A RECEIVER OR A**
31 **SUBSEQUENT ORDER.**

1 **(2) “RECEIVERSHIP PROPERTY” INCLUDES ANY PRODUCTS,**
2 **OFFSPRING, PROFITS, AND PROCEEDS OF THE PROPERTY.**

3 **(T) “RECORD” MEANS INFORMATION THAT IS:**

4 **(1) (I) WRITTEN ON A TANGIBLE MEDIUM; OR**

5 **(II) STORED ON AN ELECTRONIC OR ANY OTHER MEDIUM; AND**

6 **(2) RETRIEVABLE IN PERCEIVABLE FORM.**

7 **(U) “RENT” MEANS:**

8 **(1) A SUM PAYABLE FOR THE RIGHT TO POSSESS OR OCCUPY, OR FOR**
9 **THE ACTUAL POSSESSION OR OCCUPATION OF, REAL PROPERTY OF ANOTHER**
10 **PERSON;**

11 **(2) A SUM PAYABLE TO A MORTGAGOR OR AN OWNER UNDER A POLICY**
12 **OF RENTAL–INTERRUPTION INSURANCE COVERING REAL PROPERTY;**

13 **(3) A CLAIM ARISING OUT OF A DEFAULT IN THE PAYMENT OF A SUM**
14 **PAYABLE FOR THE RIGHT TO POSSESS OR OCCUPY REAL PROPERTY OF ANOTHER**
15 **PERSON;**

16 **(4) A SUM PAYABLE TO TERMINATE AN AGREEMENT TO POSSESS OR**
17 **OCCUPY REAL PROPERTY OF ANOTHER PERSON;**

18 **(5) A SUM PAYABLE TO A MORTGAGOR OR AN OWNER FOR PAYMENT**
19 **OR REIMBURSEMENT OF EXPENSES INCURRED IN OWNING, OPERATING, AND**
20 **MAINTAINING REAL PROPERTY, OR CONSTRUCTING OR INSTALLING IMPROVEMENTS**
21 **ON REAL PROPERTY; OR**

22 **(6) ANOTHER SUM PAYABLE UNDER AN AGREEMENT RELATING TO**
23 **THE REAL PROPERTY OF ANOTHER PERSON THAT CONSTITUTES RENT UNDER STATE**
24 **LAW.**

25 **(V) “SECURED OBLIGATION” MEANS AN OBLIGATION THE PAYMENT OR**
26 **PERFORMANCE OF WHICH IS SECURED BY A SECURITY AGREEMENT.**

27 **(W) “SECURITY AGREEMENT” MEANS AN AGREEMENT THAT CREATES OR**
28 **PROVIDES FOR A LIEN ON REAL OR PERSONAL PROPERTY.**

29 **(X) “SIGN” MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR ADOPT A**
30 **RECORD:**

1 **(1) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR**

2 **(2) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD AN**
3 **ELECTRONIC SOUND, A SYMBOL, OR A PROCESS.**

4 **(Y) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
5 **“STATE” MEANS:**

6 **(I) A STATE, POSSESSION, TERRITORY, OR COMMONWEALTH OF**
7 **THE UNITED STATES; OR**

8 **(II) THE DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED**
9 **STATES VIRGIN ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO**
10 **THE JURISDICTION OF THE UNITED STATES.**

11 **(2) WHEN CAPITALIZED, “STATE” MEANS MARYLAND.**

12 **(Z) “TIMESHARE INTEREST” MEANS AN INTEREST THAT:**

13 **(1) HAS A DURATION OF MORE THAN 3 YEARS;**

14 **(2) GRANTS THE HOLDER OF THE INTEREST THE RIGHT TO USE AND**
15 **OCCUPY AN ACCOMMODATION, A FACILITY, OR A RECREATIONAL SITE, WHETHER**
16 **IMPROVED OR NOT; AND**

17 **(3) ENDURES FOR A SPECIFIC PERIOD THAT IS LESS THAN A FULL**
18 **YEAR DURING ANY GIVEN YEAR.**

19 **24-102.**

20 **UNLESS DISPLACED BY A PARTICULAR PROVISION OF THIS TITLE, THE**
21 **PRINCIPLES OF LAW AND EQUITY SUPPLEMENT THIS TITLE.**

22 **24-103.**

23 **(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OR (C) OF THIS**
24 **SECTION, THIS TITLE APPLIES TO:**

25 **(1) A RECEIVERSHIP FOR AN INTEREST IN REAL PROPERTY AND ANY**
26 **PERSONAL PROPERTY THAT IS:**

27 **(I) RELATED TO THE REAL PROPERTY; OR**

28 **(II) USED IN OPERATING THE REAL PROPERTY;**

1 (2) A RECEIVERSHIP ESTABLISHED UNDER § 3-411 OR § 3-415 OF
2 THE CORPORATIONS AND ASSOCIATIONS ARTICLE; OR

3 (3) ANY OTHER RECEIVERSHIP IN WHICH A RECEIVER IS APPOINTED
4 TO TAKE POSSESSION AND CONTROL OF ALL OR SUBSTANTIALLY ALL OF A PERSON'S
5 PROPERTY WITH AUTHORITY TO LIQUIDATE THE PROPERTY AND, IN THE CASE OF A
6 BUSINESS FOR WHICH THE RECEIVER IS APPOINTED, WIND UP THE AFFAIRS OF THE
7 BUSINESS.

8 (B) THIS TITLE DOES NOT APPLY TO A RECEIVERSHIP FOR AN INTEREST IN
9 REAL PROPERTY IMPROVED BY ONE TO FOUR DWELLING UNITS UNLESS:

10 (1) THE INTEREST IS USED FOR AGRICULTURAL, COMMERCIAL,
11 INDUSTRIAL, OR MINERAL EXTRACTION PURPOSES, OTHER THAN INCIDENTAL USES
12 BY AN OWNER OCCUPYING THE PROPERTY AS THE OWNER'S PRIMARY RESIDENCE;

13 (2) THE INTEREST SECURES AN OBLIGATION INCURRED AT A TIME
14 WHEN THE PROPERTY WAS USED OR PLANNED FOR USE FOR AGRICULTURAL,
15 COMMERCIAL, INDUSTRIAL, OR MINERAL EXTRACTION PURPOSES;

16 (3) THE OWNER PLANNED OR IS PLANNING TO DEVELOP THE
17 PROPERTY INTO ONE OR MORE DWELLING UNITS TO BE SOLD OR LEASED IN THE
18 ORDINARY COURSE OF THE OWNER'S BUSINESS; OR

19 (4) THE OWNER IS COLLECTING OR HAS THE RIGHT TO COLLECT
20 RENT OR ANY OTHER INCOME FROM THE PROPERTY FROM A PERSON OTHER THAN
21 AN AFFILIATE OF THE OWNER.

22 (C) THIS TITLE DOES NOT APPLY TO A RECEIVERSHIP AUTHORIZED BY A
23 LOCAL LAW OR A STATE LAW OTHER THAN THIS TITLE IN WHICH THE RECEIVER IS A
24 GOVERNMENTAL UNIT ~~OR~~, A PERSON ACTING IN AN OFFICIAL CAPACITY ON BEHALF
25 OF THE GOVERNMENTAL UNIT, OR A PERSON APPOINTED AS RECEIVER AT THE
26 REQUEST OF THE GOVERNMENTAL UNIT, UNLESS:

27 (1) THE GOVERNMENTAL UNIT ~~OR~~, THE PERSON ACTING IN AN
28 OFFICIAL CAPACITY ON BEHALF OF THE UNIT, OR THE PERSON APPOINTED AS
29 RECEIVER AT THE REQUEST OF THE GOVERNMENTAL UNIT ELECTS TO HAVE THE
30 PROVISIONS OF THIS TITLE APPLY TO THE RECEIVERSHIP;

31 (2) A COURT, FOR GOOD CAUSE, ORDERS THAT THE PROVISIONS OF
32 THIS TITLE APPLY TO THE RECEIVERSHIP; OR

1 **(3) THE LAW AUTHORIZING THE RECEIVERSHIP IN WHICH THE**
2 **RECEIVER IS A GOVERNMENTAL UNIT OR A PERSON ACTING IN AN OFFICIAL**
3 **CAPACITY ON BEHALF OF THE GOVERNMENTAL UNIT PROVIDES THAT THIS TITLE**
4 **APPLIES TO THE RECEIVERSHIP.**

5 **(D) SUBSECTION (C)(2) OF THIS SECTION DOES NOT APPLY TO A**
6 **DELINQUENCY PROCEEDING INITIATED BY THE MARYLAND INSURANCE**
7 **COMMISSIONER UNDER TITLE 9, SUBTITLE 2 OF THE INSURANCE ARTICLE.**

8 **SUBTITLE 2. APPOINTMENT OF RECEIVER.**

9 **24-201.**

10 **(A) A COURT MAY APPOINT A RECEIVER:**

11 **(1) BEFORE JUDGMENT, TO PROTECT A PARTY THAT DEMONSTRATES**
12 **AN APPARENT RIGHT TO PROPERTY THAT IS THE SUBJECT OF THE ACTION, IF THE**
13 **PROPERTY OR THE REVENUE-PRODUCING POTENTIAL OF THE PROPERTY:**

14 **(I) IS BEING SUBJECTED TO OR IS IN DANGER OF WASTE, LOSS,**
15 **DISSIPATION, OR IMPAIRMENT; OR**

16 **(II) HAS BEEN OR IS ABOUT TO BE THE SUBJECT OF A**
17 **FRAUDULENT CONVEYANCE VOIDABLE UNDER TITLE 15, SUBTITLE 2 OF THIS**
18 **ARTICLE;**

19 **(2) AFTER JUDGMENT, TO:**

20 **(I) CARRY THE JUDGMENT INTO EFFECT; OR**

21 **(II) PRESERVE NONEXEMPT PROPERTY:**

22 **1. PENDING APPEAL; OR**

23 **2. WHEN AN EXECUTION HAS BEEN RETURNED**
24 **UNSATISFIED AND THE OWNER REFUSES TO APPLY THE PROPERTY IN SATISFACTION**
25 **OF THE JUDGMENT;**

26 **(3) IN AN ACTION SEEKING DISSOLUTION OF A CORPORATION UNDER**
27 **§ 3-411 OR § 3-415 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE; OR**

28 **(4) TO A RECEIVERSHIP UNDER § 24-103(A)(3) OF THIS TITLE.**

1 **(B) (1) IN CONNECTION WITH OR ANTICIPATION OF A FORECLOSURE OR**
2 **ANY OTHER ENFORCEMENT OF A MORTGAGE, A MORTGAGEE IS ENTITLED TO THE**
3 **APPOINTMENT OF A RECEIVER.**

4 **(2) ON REQUEST, A COURT SHALL APPOINT A RECEIVER FOR THE**
5 **MORTGAGED PROPERTY IF:**

6 **(I) THERE IS A DEFAULT UNDER THE MORTGAGE; AND**

7 **(II) 1. APPOINTMENT OF A RECEIVER IS NECESSARY TO**
8 **PROTECT THE PROPERTY FROM WASTE, LOSS, TRANSFER, DISSIPATION, OR**
9 **IMPAIRMENT;**

10 **2. THE MORTGAGOR AGREED IN A SIGNED RECORD,**
11 **INCLUDING THE MORTGAGE OR AN ASSIGNMENT OF LEASES AND RENTS, TO THE**
12 **APPOINTMENT OF A RECEIVER ON DEFAULT;**

13 **3. THE OWNER AGREED, AFTER DEFAULT AND IN A**
14 **SIGNED RECORD, TO THE APPOINTMENT OF A RECEIVER;**

15 **4. THE PROPERTY AND ANY OTHER COLLATERAL HELD**
16 **BY THE MORTGAGEE ARE NOT SUFFICIENT TO SATISFY THE SECURED OBLIGATION;**

17 **5. THE OWNER FAILS TO TURN OVER TO THE**
18 **MORTGAGEE PROCEEDS OR RENT THE MORTGAGEE WAS ENTITLED TO COLLECT; OR**

19 **6. THE HOLDER OF A SUBORDINATE LIEN OBTAINS THE**
20 **APPOINTMENT OF A RECEIVER FOR THE PROPERTY.**

21 **(C) (1) A COURT MAY CONDITION APPOINTMENT OF A RECEIVER**
22 **WITHOUT PRIOR NOTICE UNDER § 24-501(B)(1) OF THIS TITLE, OR WITHOUT A**
23 **PRIOR HEARING UNDER § 24-501(B)(2) OF THIS TITLE, ON THE GIVING OF SECURITY**
24 **BY THE PERSON SEEKING THE APPOINTMENT FOR:**

25 **(I) THE PAYMENT OF DAMAGES;**

26 **(II) REASONABLE ATTORNEY'S FEES; OR**

27 **(III) IF THE COURT CONCLUDES THAT THE APPOINTMENT WAS**
28 **NOT JUSTIFIED, COSTS INCURRED BY ANY PERSON.**

29 **(2) IF THE COURT LATER CONCLUDES THAT THE APPOINTMENT WAS**
30 **JUSTIFIED, THE COURT SHALL RELEASE THE SECURITY.**

1 **24-202.**

2 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A COURT MAY APPOINT
3 AS AN ANCILLARY RECEIVER FOR PROPERTY LOCATED IN THE STATE OR SUBJECT
4 TO THE JURISDICTION OF THE COURT FOR WHICH A RECEIVER COULD BE
5 APPOINTED UNDER THIS TITLE:

6 (1) A RECEIVER APPOINTED IN ANOTHER STATE; OR

7 (2) A NOMINEE OF THE RECEIVER IN THE OTHER STATE.

8 (B) AN ANCILLARY RECEIVER UNDER SUBSECTION (A) OF THIS SECTION
9 SHALL:

10 (1) BE ELIGIBLE TO SERVE AS A RECEIVER UNDER § 24-203 OF THIS
11 SUBTITLE; AND

12 (2) FURTHER THE PERSON'S POSSESSION, CUSTODY, CONTROL, OR
13 DISPOSITION OF PROPERTY SUBJECT TO THE RECEIVERSHIP IN THE OTHER STATE.

14 (C) A COURT MAY ISSUE AN ORDER THAT GIVES EFFECT TO AN ORDER
15 ENTERED IN ANOTHER STATE APPOINTING OR DIRECTING A RECEIVER.

16 (D) UNLESS THE COURT ORDERS OTHERWISE, AN ANCILLARY RECEIVER
17 APPOINTED UNDER SUBSECTION (A) OF THIS SECTION HAS THE RIGHTS, POWERS,
18 AND DUTIES OF A RECEIVER APPOINTED UNDER THIS TITLE.

19 **24-203.**

20 (A) A COURT MAY NOT APPOINT A PERSON AS A RECEIVER UNLESS THE
21 PERSON PROVIDES A STATEMENT UNDER PENALTY OF PERJURY THAT THE PERSON
22 IS NOT DISQUALIFIED UNDER SUBSECTION (B) OF THIS SECTION.

23 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS
24 SECTION, A PERSON IS DISQUALIFIED FROM APPOINTMENT AS A RECEIVER IF THE
25 PERSON:

26 (1) IS AN AFFILIATE OF A PARTY;

27 (2) HAS A MATERIAL FINANCIAL INTEREST IN THE OUTCOME OF THE
28 ACTION, OTHER THAN COMPENSATION THE COURT MAY ALLOW THE RECEIVER;

29 (3) HAS A DEBTOR-CREDITOR RELATIONSHIP WITH A PARTY;

1 **(4) HOLDS AN EQUITY INTEREST IN A PARTY, OTHER THAN A**
2 **NONCONTROLLING INTEREST IN A PUBLICLY TRADED COMPANY;**

3 **(5) IS OR WAS A DIRECTOR, AN OFFICER, OR AN EMPLOYEE OF THE**
4 **OWNER WITHIN 2 YEARS IMMEDIATELY PRECEDING THE APPOINTMENT OF THE**
5 **RECEIVER;**

6 **(6) (I) HAS BEEN CONVICTED OF A FELONY OR ANY OTHER CRIME**
7 **INVOLVING MORAL TURPITUDE; OR**

8 **(II) IS SUPERVISED BY OR AN EMPLOYEE OF A PERSON WHO HAS**
9 **BEEEN CONVICTED OF A FELONY OR ANY OTHER CRIME OF MORAL TURPITUDE;**

10 **(7) (I) HAS BEEN FOUND LIABLE IN CIVIL COURT FOR FRAUD,**
11 **BREACH OF FIDUCIARY DUTY, THEFT, OR SIMILAR MISCONDUCT; OR**

12 **(II) IS CONTROLLED BY A PERSON WHO HAS BEEN FOUND**
13 **LIABLE IN CIVIL COURT FOR FRAUD, BREACH OF FIDUCIARY DUTY, THEFT, OR**
14 **SIMILAR MISCONDUCT; OR**

15 **(8) OTHERWISE HAS AN INTEREST MATERIALLY ADVERSE TO AN**
16 **INTEREST OF A PARTY OR THE RECEIVERSHIP ESTATE, OR OF ANY CREDITOR OR**
17 **EQUITY SECURITY HOLDER, BY REASON OF ANY DIRECT OR INDIRECT**
18 **RELATIONSHIP TO, CONNECTION WITH, OR INTEREST IN THE OWNER.**

19 **(C) (1) A PERSON IS NOT DISQUALIFIED FROM APPOINTMENT AS A**
20 **RECEIVER SOLELY BECAUSE THE PERSON:**

21 **(I) WAS APPOINTED AS A RECEIVER OF ANOTHER**
22 **RECEIVERSHIP;**

23 **(II) IS OWED COMPENSATION IN AN UNRELATED MATTER**
24 **INVOLVING A PARTY;**

25 **(III) WAS ENGAGED BY A PARTY IN A MATTER UNRELATED TO**
26 **THE RECEIVERSHIP;**

27 **(IV) IS AN INDIVIDUAL OBLIGATED TO A PARTY ON A DEBT THAT:**

28 **1. IS NOT IN DEFAULT; AND**

29 **2. WAS INCURRED PRIMARILY FOR PERSONAL, FAMILY,**
30 **OR HOUSEHOLD PURPOSES; OR**

1 (V) MAINTAINS WITH A PARTY A DEPOSIT ACCOUNT AS DEFINED
2 IN § 9-102(A)(29) OF THIS ARTICLE.

3 (2) NOTWITHSTANDING SUBSECTION (B)(5) OF THIS SECTION, A
4 PERSON WHO IS OR WAS A DIRECTOR, AN OFFICER, OR AN EMPLOYEE OF THE OWNER
5 WITHIN 2 YEARS IMMEDIATELY PRECEDING THE APPOINTMENT OF THE RECEIVER
6 IS NOT DISQUALIFIED FROM APPOINTMENT AS A RECEIVER IF THE COURT:

7 (I) APPOINTS THE PERSON AS A RECEIVER; AND

8 (II) DETERMINES THAT:

9 1. THE APPOINTMENT WOULD BE IN THE BEST INTEREST
10 OF THE RECEIVERSHIP ESTATE; AND

11 2. THE PERSON IS NOT DISQUALIFIED FOR A REASON
12 LISTED IN SUBSECTION (B)(1) THROUGH (4) OR (B)(6) THROUGH (8) OF THIS
13 SECTION.

14 (D) (1) A PERSON SEEKING APPOINTMENT OF A RECEIVER MAY
15 NOMINATE A PERSON TO SERVE AS RECEIVER.

16 (2) A COURT IS NOT BOUND BY A NOMINATION RECEIVED UNDER
17 PARAGRAPH (1) OF THIS SUBSECTION.

18 24-204.

19 (A) THE COURT MAY:

20 (1) REQUIRE A RECEIVER TO POST A BOND OR SECURITY WITH THE
21 COURT;

22 (2) AUTHORIZE A RECEIVER TO ACT WITHOUT POSTING A BOND OR
23 OTHER SECURITY; OR

24 (3) AUTHORIZE A RECEIVER TO ACT BEFORE THE RECEIVER POSTS
25 ANY BOND REQUIRED BY THE COURT.

26 (B) IF A COURT REQUIRES A BOND TO BE POSTED UNDER SUBSECTION (A)
27 OF THIS SECTION, THE BOND SHALL BE:

28 (1) CONDITIONED ON THE FAITHFUL DISCHARGE OF THE RECEIVER'S
29 DUTIES;

1 **(2) WITH ONE OR MORE SURETIES APPROVED BY THE COURT;**

2 **(3) IN AN AMOUNT THE COURT SPECIFIES; AND**

3 **(4) EFFECTIVE AS OF THE DATE OF THE RECEIVER'S APPOINTMENT.**

4 **(C) THE COURT MAY ALSO AUTHORIZE A RECEIVER TO ACT WITHOUT**
5 **POSTING A BOND OR OTHER SECURITY.**

6 **24-205.**

7 **(A) A COURT THAT APPOINTS A RECEIVER UNDER THIS TITLE:**

8 **(1) HAS EXCLUSIVE JURISDICTION TO DIRECT THE RECEIVER AND**
9 **DETERMINE ANY CONTROVERSY RELATED TO THE RECEIVERSHIP OR RECEIVERSHIP**
10 **PROPERTY WHEREVER LOCATED WITHIN THE STATE, INCLUDING ALL**
11 **CONTROVERSIES RELATING TO:**

12 **(I) THE COLLECTION, PRESERVATION, IMPROVEMENT,**
13 **DISPOSITION, AND DISTRIBUTION OF RECEIVERSHIP PROPERTY;**

14 **(II) THE EXERCISE OF THE RECEIVER'S POWERS; OR**

15 **(III) THE PERFORMANCE OF THE RECEIVER'S DUTIES; AND**

16 **(2) MAY, ON MOTION BY A PARTY IN INTEREST OR ON ITS OWN**
17 **INITIATIVE, ASSIGN THE RECEIVERSHIP TO A JUDGE WHO SHALL BE RESPONSIBLE**
18 **FOR THE ENTIRE CASE DURING THE COURSE OF THE RECEIVERSHIP.**

19 **SUBTITLE 3. RIGHTS, POWERS, AND DUTIES OF A RECEIVER.**

20 **24-301.**

21 **(A) EXCEPT AS LIMITED BY COURT ORDER OR A LAW OF THE STATE OTHER**
22 **THAN THIS TITLE, A RECEIVER MAY:**

23 **(1) COLLECT, CONTROL, MANAGE, CONSERVE, AND PROTECT**
24 **RECEIVERSHIP PROPERTY;**

25 **(2) OPERATE A BUSINESS CONSTITUTING RECEIVERSHIP PROPERTY,**
26 **INCLUDING PRESERVATION, USE, SALE, LEASE, LICENSE, EXCHANGE, COLLECTION,**
27 **OR DISPOSITION OF THE PROPERTY IN THE ORDINARY COURSE OF BUSINESS;**

28 **(3) IN THE ORDINARY COURSE OF BUSINESS:**

1 **(I) INCUR UNSECURED DEBT FOR THE RECEIVER'S**
2 **PRESERVATION, USE, SALE, LEASE, LICENSE, EXCHANGE, COLLECTION, OR**
3 **DISPOSITION OF THE BUSINESS OR RECEIVERSHIP PROPERTY; OR**

4 **(II) PAY ORDINARY, REASONABLE, AND NECESSARY EXPENSES**
5 **FOR THE RECEIVER'S PRESERVATION, USE, SALE, LEASE, LICENSE, EXCHANGE,**
6 **COLLECTION, OR DISPOSITION OF THE BUSINESS OR RECEIVERSHIP PROPERTY;**

7 **(4) EMPLOY AND DISCHARGE AGENTS, CONTRACTORS, AND**
8 **EMPLOYEES THAT ARE NECESSARY TO MANAGE, OPERATE, PRESERVE, IMPROVE,**
9 **SECURE, AND MARKET THE BUSINESS OR RECEIVERSHIP PROPERTY;**

10 **(5) ASSERT A RIGHT, CLAIM, CAUSE OF ACTION, PRIVILEGE, OR**
11 **DEFENSE OF THE OWNER THAT RELATES TO THE BUSINESS OR RECEIVERSHIP**
12 **PROPERTY, AND, IN THE CASE OF A RECEIVERSHIP UNDER § 24-103(A) OF THIS**
13 **TITLE, THE CLAIM, CAUSE OF ACTION, PRIVILEGE, OR DEFENSE SHALL NOT BE**
14 **BARRED BY THE DOCTRINE OF PARI DELICTO;**

15 **(6) SEEK AND OBTAIN INSTRUCTION FROM THE COURT REGARDING:**

16 **(I) MANAGING OR DISPOSING OF THE BUSINESS OR**
17 **RECEIVERSHIP PROPERTY;**

18 **(II) EXERCISING THE POWERS OF THE RECEIVER; OR**

19 **(III) PERFORMING THE DUTIES OF THE RECEIVER;**

20 **(7) AFTER BEING ISSUED A SUBPOENA, WITH RESPECT TO THE**
21 **RECEIVERSHIP PROPERTY OR ANY OTHER MATTER THAT MAY AFFECT**
22 **ADMINISTRATION OF THE RECEIVERSHIP, COMPEL A PERSON TO:**

23 **(I) SUBMIT TO EXAMINATION UNDER OATH; OR**

24 **(II) PRODUCE AND ALLOW INSPECTION AND COPYING OF**
25 **RECORDS OR OTHER TANGIBLE PROPERTY;**

26 **(8) ENGAGE A PROFESSIONAL AS PROVIDED IN § 24-303 OF THIS**
27 **SUBTITLE;**

28 **(9) APPLY TO A COURT OF ANOTHER STATE FOR APPOINTMENT AS**
29 **ANCILLARY RECEIVER WITH RESPECT TO RECEIVERSHIP PROPERTY LOCATED IN**
30 **THAT STATE;**

1 **(10) IN A RECEIVERSHIP UNDER § 24-103(A)(2) OR (3) OF THIS TITLE,**
2 **EXERCISE ANY RIGHTS OR POWERS PROVIDED FOR IN § 15-101 OF THIS ARTICLE; OR**

3 **(11) EXERCISE ANY OTHER POWER CONFERRED BY COURT ORDER,**
4 **THIS TITLE, OR A LAW OF THE STATE OTHER THAN THIS TITLE.**

5 **(B) WITH COURT APPROVAL, A RECEIVER MAY:**

6 **(1) INCUR DEBT ON AN UNSECURED OR SECURED BASIS FOR THE USE**
7 **OR BENEFIT OF THE BUSINESS OR RECEIVERSHIP PROPERTY, OTHER THAN IN THE**
8 **ORDINARY COURSE OF BUSINESS, AND ANY SECURED DEBT SHALL BE SUBJECT TO**
9 **EXISTING LIENS;**

10 **(2) PAY OBLIGATIONS INCURRED BEFORE THE RECEIVER'S**
11 **APPOINTMENT IF AND TO THE EXTENT THAT:**

12 **(I) THE PAYMENT IS DETERMINED TO BE REASONABLE AND**
13 **NECESSARY FOR THE PRESERVATION OF THE BUSINESS OR RECEIVERSHIP**
14 **PROPERTY; AND**

15 **(II) THE FUNDS USED UNDER THIS ITEM ARE NOT SUBJECT TO**
16 **ANY LIEN IN FAVOR OF A CREDITOR WHO HAS NOT CONSENTED TO THE PAYMENT,**
17 **OR WHOSE INTEREST IS NOT ADEQUATELY PROTECTED;**

18 **(3) MAKE IMPROVEMENTS TO RECEIVERSHIP PROPERTY;**

19 **(4) USE OR TRANSFER RECEIVERSHIP PROPERTY, OTHER THAN IN**
20 **THE ORDINARY COURSE OF BUSINESS, UNDER § 24-304 OF THIS SUBTITLE;**

21 **(5) ASSUME, REJECT, OR ASSUME AND ASSIGN AN EXECUTORY**
22 **CONTRACT OF THE OWNER UNDER § 24-305 OF THIS SUBTITLE;**

23 **(6) PAY COMPENSATION TO:**

24 **(I) THE RECEIVER UNDER § 24-601 OR § 24-602 OF THIS TITLE;**
25 **OR**

26 **(II) TO EACH PROFESSIONAL ENGAGED BY THE RECEIVER**
27 **UNDER § 24-303 OF THIS SUBTITLE;**

28 **(7) RECOMMEND ALLOWANCE OR DISALLOWANCE OF A CLAIM OF A**
29 **CREDITOR UNDER § 24-302 OF THIS SUBTITLE;**

1 **(8) ABANDON ANY PROPERTY THAT IS BURDENSOME OR NOT OF**
2 **MATERIAL VALUE TO THE RECEIVERSHIP; AND**

3 **(9) MAKE A DISTRIBUTION OF RECEIVERSHIP PROPERTY UNDER §**
4 **24-302 OF THIS SUBTITLE.**

5 **(C) A RECEIVER SHALL:**

6 **(1) PREPARE AND RETAIN APPROPRIATE BUSINESS RECORDS,**
7 **INCLUDING A RECORD OF EACH RECEIPT, DISBURSEMENT, AND DISPOSITION OF THE**
8 **BUSINESS OR RECEIVERSHIP PROPERTY;**

9 **(2) ACCOUNT FOR THE BUSINESS OR RECEIVERSHIP PROPERTY,**
10 **INCLUDING THE PROCEEDS OF A SALE, A LEASE, A LICENSE, AN EXCHANGE, A**
11 **COLLECTION, OR ANY OTHER DISPOSITION OF THE RECEIVERSHIP PROPERTY;**

12 **(3) IF THE RECEIVERSHIP INCLUDES REAL PROPERTY, FILE IN THE**
13 **LAND RECORDS OF THE COUNTY WHERE THE REAL PROPERTY IS LOCATED A COPY**
14 **OF THE ORDER APPOINTING THE RECEIVER, AND IF A LEGAL DESCRIPTION IS NOT**
15 **INCLUDED IN THE ORDER, INCLUDE A LEGAL DESCRIPTION OF THE REAL PROPERTY;**

16 **(4) DISCLOSE TO THE COURT ANY FACT ARISING DURING THE**
17 **RECEIVERSHIP THAT WOULD DISQUALIFY THE RECEIVER UNDER § 24-203 OF THIS**
18 **TITLE; AND**

19 **(5) PERFORM ANY DUTY IMPOSED BY COURT ORDER, THIS TITLE, OR**
20 **A LAW OF THE STATE OTHER THAN THIS TITLE.**

21 **(D) THE POWERS AND DUTIES OF A RECEIVER MAY BE EXPANDED,**
22 **MODIFIED, OR LIMITED BY COURT ORDER.**

23 **24-302.**

24 **(A) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A**
25 **RECEIVER SHALL GIVE NOTICE OF THE APPOINTMENT OF THE RECEIVER TO**
26 **CREDITORS OF THE OWNER IF:**

27 **(1) THE RECEIVERSHIP IS A RECEIVERSHIP UNDER § 24-103(A)(2) OR**
28 **(3) OF THIS TITLE; OR**

29 **(2) ORDERED BY A COURT.**

30 **(B) (1) THE RECEIVER SHALL PROVIDE THE NOTICE REQUIRED UNDER**
31 **SUBSECTION (A) OF THIS SECTION:**

1 **(I) TO EACH CREDITOR HOLDING A CLAIM AGAINST THE**
2 **OWNER THAT AROSE BEFORE THE APPOINTMENT OF THE RECEIVER; AND**

3 **(II) BY:**

4 1. **FIRST-CLASS MAIL OR OTHER COMMERCIALY**
5 **REASONABLE DELIVERY METHOD TO THE LAST KNOWN ADDRESS OF THE CREDITOR**
6 **AND THE CREDITOR'S ATTORNEY, IF KNOWN; AND**

7 2. **PUBLICATION AS DIRECTED BY THE COURT.**

8 **(2) (I) THE NOTICE SHALL SPECIFY THE DATE BY WHICH THE**
9 **CREDITOR MUST SUBMIT THE CLAIM TO THE RECEIVER.**

10 **(II) UNLESS THE COURT EXTENDS THE PERIOD FOR**
11 **SUBMITTING A CLAIM, THE DATE SPECIFIED IN THE NOTICE SHALL BE AT LEAST 120**
12 **DAYS AFTER THE LATER OF THE DATE OF:**

13 1. **THE NOTICE; OR**

14 2. **THE MOST RECENT PUBLICATION AS DIRECTED BY**
15 **THE COURT UNDER PARAGRAPH (1)(II)2 OF THIS SUBSECTION.**

16 **(III) UNLESS THE COURT ORDERS OTHERWISE, A CLAIM THAT IS**
17 **NOT SUBMITTED WITHIN THE APPROPRIATE TIME PERIOD UNDER SUBPARAGRAPH**
18 **(II) OF THIS PARAGRAPH IS NOT ENTITLED TO A DISTRIBUTION FROM THE**
19 **RECEIVERSHIP PROPERTY.**

20 **(C) A CLAIM SUBMITTED BY A CREDITOR UNDER THIS SECTION SHALL:**

21 **(1) STATE THE NAME AND ADDRESS OF THE CREDITOR;**

22 **(2) STATE THE AMOUNT AND BASIS OF THE CREDITOR'S CLAIM;**

23 **(3) IDENTIFY ANY PROPERTY SECURING THE CREDITOR'S CLAIM;**

24 **(4) BE SIGNED BY THE CREDITOR UNDER PENALTY OF PERJURY; AND**

25 **(5) INCLUDE A COPY OF ANY RECORD ON WHICH THE CREDITOR'S**
26 **CLAIM IS BASED.**

27 **(D) AN ASSIGNMENT BY A CREDITOR OF A CLAIM AGAINST THE OWNER IS**
28 **EFFECTIVE AGAINST THE RECEIVER ONLY IF THE ASSIGNEE GIVES TIMELY NOTICE**
29 **OF THE ASSIGNMENT TO THE RECEIVER IN A SIGNED RECORD.**

1 **(E) (1) AT ANY TIME BEFORE ENTRY OF AN ORDER APPROVING A**
2 **RECEIVER'S FINAL REPORT, THE RECEIVER MAY FILE WITH THE COURT AN**
3 **OBJECTION TO A CLAIM OF A CREDITOR, STATING THE BASIS FOR THE OBJECTION.**

4 **(2) THE COURT SHALL ALLOW OR DISALLOW THE CLAIM.**

5 **(F) IF THE COURT CONCLUDES THAT RECEIVERSHIP PROPERTY IS LIKELY**
6 **TO BE INSUFFICIENT TO SATISFY CLAIMS OF EACH CREDITOR HOLDING A**
7 **PERFECTED LIEN ON THE PROPERTY, THE COURT MAY ORDER THAT:**

8 **(1) THE RECEIVER DOES NOT NEED TO GIVE NOTICE OF THE**
9 **APPOINTMENT UNDER SUBSECTION (A) OF THIS SECTION TO ALL UNSECURED**
10 **CREDITORS OF THE OWNER, BUT ONLY TO THE UNSECURED CREDITORS AS THE**
11 **COURT DIRECTS; AND**

12 **(2) AN UNSECURED CREDITOR DOES NOT NEED TO SUBMIT A CLAIM**
13 **UNDER THIS SECTION.**

14 **(G) (1) SUBJECT TO § 24-701 OF THIS TITLE, A DISTRIBUTION OF**
15 **RECEIVERSHIP PROPERTY TO A CREDITOR HOLDING A PERFECTED LIEN ON THE**
16 **PROPERTY SHALL BE MADE IN ACCORDANCE WITH THE CREDITOR'S PRIORITY**
17 **UNDER APPLICABLE LAW.**

18 **(2) A DISTRIBUTION OF RECEIVERSHIP PROPERTY TO A CREDITOR**
19 **WITH AN ALLOWED UNSECURED CLAIM SHALL BE MADE AS THE COURT DIRECTS.**

20 **24-303.**

21 **(A) (1) A RECEIVER SHALL OBTAIN COURT APPROVAL BEFORE**
22 **ENGAGING ANY ATTORNEY, ACCOUNTANT, APPRAISER, AUCTIONEER, BROKER, OR**
23 **OTHER PROFESSIONAL TO ASSIST THE RECEIVER IN PERFORMING THE RECEIVER'S**
24 **DUTIES AND ADMINISTERING RECEIVERSHIP PROPERTY.**

25 **(2) THE RECEIVER MAY REQUEST APPOINTMENT OF A PROFESSIONAL**
26 **TO PROVIDE SERVICES TO THE RECEIVERSHIP.**

27 **(3) A REQUEST UNDER THIS SECTION SHALL DISCLOSE TO THE**
28 **COURT:**

29 **(I) THE IDENTITY AND QUALIFICATIONS OF THE**
30 **PROFESSIONAL;**

31 **(II) THE SCOPE AND NATURE OF THE PROPOSED ENGAGEMENT;**

1 (III) ANY POTENTIAL CONFLICT OF INTEREST; AND

2 (IV) THE PROPOSED COMPENSATION.

3 (B) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
4 PARAGRAPH, IF THE AGREEMENT IS DISCLOSED TO THE COURT, A PERSON IS NOT
5 DISQUALIFIED FROM ENGAGEMENT UNDER THIS SECTION SOLELY BECAUSE OF THE
6 PERSON'S ENGAGEMENT BY, REPRESENTATION OF, OR OTHER RELATIONSHIP WITH
7 THE RECEIVER, A CREDITOR, OR ANY OTHER PARTY.

8 (II) THE COURT MAY DISQUALIFY A PERSON UNDER
9 SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE COURT DETERMINES THAT THERE
10 IS AN ACTUAL CONFLICT OF INTEREST.

11 (2) THIS TITLE DOES NOT PREVENT A RECEIVER FROM SERVING IN
12 THE RECEIVERSHIP AS AN ATTORNEY, AN ACCOUNTANT, AN AUCTIONEER, OR A
13 BROKER WHEN PROVIDING THE SERVICES THAT WILL BE IN THE BEST INTEREST OF
14 THE RECEIVERSHIP ESTATE.

15 (C) (1) UNLESS OTHERWISE ORDERED BY THE COURT, A RECEIVER OR A
16 PROFESSIONAL ENGAGED UNDER SUBSECTION (A) OF THIS SECTION SHALL FILE
17 WITH THE COURT AN ITEMIZED STATEMENT OF:

18 (I) THE TIME SPENT;

19 (II) THE WORK PERFORMED;

20 (III) THE BILLING RATE OF EACH PERSON WHO PERFORMED THE
21 WORK; AND

22 (IV) AN ITEMIZED LIST OF EXPENSES.

23 (2) UNLESS OBJECTIONS ARE FILED WITH THE COURT WITHIN THE
24 TIME SPECIFIED IN THE MARYLAND RULES, OR UNLESS OTHERWISE ORDERED BY
25 THE COURT, THE RECEIVER MAY PAY THE FEES AND EXPENSES RELATED TO THE
26 SERVICES OF THE PROFESSIONAL OR THE RECEIVER.

27 (3) THE COURT SHALL SET A HEARING FOR ANY TIMELY FILED
28 OBJECTIONS AS THE COURT CONSIDERS APPROPRIATE.

29 (D) (1) TO THE EXTENT FUNDS ARE AVAILABLE, THE RECEIVER SHALL
30 PAY THE AMOUNT AUTHORIZED IN ACCORDANCE WITH THIS SECTION.

1 **(2) IN A RECEIVERSHIP ESTABLISHED UNDER § 24-103(A)(1) OF THIS**
2 **TITLE IN WHICH THE PROPERTY IS SUBJECT TO A SINGLE MORTGAGE, A RECEIVER**
3 **MAY PAY FEES AND EXPENSES AGREED TO AND STIPULATED BY THE MORTGAGOR.**

4 **24-304.**

5 **(A) A RECEIVER MAY USE RECEIVERSHIP PROPERTY OTHER THAN IN THE**
6 **ORDINARY COURSE OF BUSINESS IF:**

7 **(1) THE RECEIVER FILES A MOTION WITH THE COURT TO USE**
8 **RECEIVERSHIP PROPERTY OTHER THAN IN THE COURSE OF ORDINARY BUSINESS;**
9 **AND**

10 **(2) THE COURT GRANTS THE MOTION.**

11 **(B) (1) A RECEIVER MAY TRANSFER RECEIVERSHIP PROPERTY OTHER**
12 **THAN IN THE ORDINARY COURSE OF BUSINESS BY SALE, LEASE, LICENSE,**
13 **EXCHANGE, OR OTHER DISPOSITION OF THE RECEIVERSHIP PROPERTY IF:**

14 **(I) THE RECEIVER FILES A MOTION WITH THE COURT TO**
15 **TRANSFER RECEIVERSHIP PROPERTY OTHER THAN IN THE ORDINARY COURSE OF**
16 **BUSINESS; AND**

17 **(II) THE COURT GRANTS THE MOTION.**

18 **(2) SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, UNLESS**
19 **THE AGREEMENT OF SALE PROVIDES OTHERWISE, THE COURT MAY ORDER A SALE**
20 **UNDER THIS SECTION TO BE FREE AND CLEAR OF A LIEN OR OTHER INTEREST,**
21 **INCLUDING:**

22 **(I) THE LIEN OF A PERSON THAT OBTAINED APPOINTMENT OF**
23 **THE RECEIVER;**

24 **(II) ANY SUBORDINATE LIEN;**

25 **(III) ANY RIGHT OF REDEMPTION; OR**

26 **(IV) ANY OTHER LEGAL OR EQUITABLE INTEREST.**

27 **(3) A TRANSFER UNDER THIS SUBSECTION MAY OCCUR BY MEANS**
28 **OTHER THAN A PUBLIC AUCTION SALE.**

29 **(C) (1) THIS SUBSECTION APPLIES TO A RECEIVERSHIP UNDER §**
30 **24-103(A)(1) OF THIS TITLE.**

1 **(2) A RECEIVER MAY TRANSFER RECEIVERSHIP PROPERTY UNDER**
2 **SUBSECTION (B) OF THIS SECTION FREE AND CLEAR OF ANY LIEN OF THE PERSON**
3 **THAT OBTAINED THE APPOINTMENT OF THE RECEIVER AND ANY SENIOR LIEN ONLY**
4 **IF IN EACH CASE THE RECEIVER OBTAINS THE CONSENT OF THE HOLDER OF THE**
5 **LIEN.**

6 **(3) A TRANSFER UNDER THIS SUBSECTION SHALL BE SUBJECT TO:**

7 **(I) IF THE RECEIVER DOES NOT OBTAIN THE CONSENT OF THE**
8 **HOLDER OF THE LIEN, ANY SENIOR LIEN;**

9 **(II) ANY RESIDENTIAL LEASE; AND**

10 **(III) NOTWITHSTANDING § 7-105.6(C) OF THE REAL PROPERTY**
11 **ARTICLE, ANY NONRESIDENTIAL LEASE THAT WOULD NOT BE TERMINATED BY A**
12 **FORECLOSURE SALE OF THE LIEN OF THE PERSON THAT OBTAINED THE**
13 **APPOINTMENT OF THE RECEIVER.**

14 **(D) (1) THIS SUBSECTION APPLIES TO A RECEIVERSHIP UNDER §**
15 **24-103(A)(2) OR (3) OF THIS TITLE.**

16 **(2) A RECEIVER MAY TRANSFER RECEIVERSHIP PROPERTY UNDER**
17 **SUBSECTION (B) OF THIS SECTION FREE AND CLEAR OF ANY LIEN ONLY IF:**

18 **(I) THE RECEIVER OBTAINS THE CONSENT OF:**

19 **1. THE HOLDER OF ANY LIEN OF THE PERSON THAT**
20 **OBTAINED THE APPOINTMENT OF THE RECEIVER; AND**

21 **2. THE CONSENT OF ANY SENIOR LIENHOLDER; OR**

22 **(II) THE PRICE AT WHICH THE RECEIVERSHIP PROPERTY IS TO**
23 **BE SOLD IS GREATER THAN THE AMOUNT SECURED BY ANY LIEN HELD BY THE**
24 **PERSON THAT OBTAINED THE APPOINTMENT OF THE RECEIVER, PLUS THE AMOUNT**
25 **OF ANY SENIOR LIEN.**

26 **(3) A TRANSFER OF RECEIVERSHIP PROPERTY MAY BE FREE AND**
27 **CLEAR OF A NONRESIDENTIAL LEASE IF THE TENANT OF THE NONRESIDENTIAL**
28 **LEASE HAS THE RIGHTS PROVIDED TO THE TENANT UNDER § 24-305(H)(2) OF THIS**
29 **TITLE.**

30 **(E) (1) THIS SUBSECTION APPLIES TO THE SALE OR EXCHANGE OF**
31 **RECEIVERSHIP PROPERTY UNDER SUBSECTION (B) OF THIS SECTION.**

1 **(2) BEFORE FILING A MOTION TO SELL OR EXCHANGE RECEIVERSHIP**
2 **PROPERTY, THE RECEIVER SHALL PERFORM OR OBTAIN A COMPLETE SEARCH OF**
3 **THE PUBLIC RECORDS TO DETERMINE THE HOLDERS OF LIENS AND OTHER**
4 **INTERESTS IN THE RECEIVERSHIP PROPERTY.**

5 **(3) IF THE REQUESTED SALE OR EXCHANGE IS FOR REAL PROPERTY,**
6 **THE SEARCH SHALL:**

7 **(I) COVER A TIME PERIOD OF AT LEAST 40 YEARS**
8 **IMMEDIATELY BEFORE THE MOTION IS FILED; AND**

9 **(II) BE IN ACCORDANCE WITH GENERALLY ACCEPTED**
10 **STANDARDS OF TITLE EXAMINATION.**

11 **(4) THE MOTION SHALL INCLUDE AN AFFIDAVIT BY THE PERSON**
12 **MAKING THE SEARCH IDENTIFYING THE HOLDERS OF LIENS AND OTHER INTERESTS.**

13 **(5) THE RECEIVER SHALL UPDATE THE MASTER SERVICE LIST BASED**
14 **ON THE SEARCH TO INCLUDE ANY PERSON NOT PREVIOUSLY INCLUDED.**

15 **(6) (I) IF THE RECEIVER RECEIVES ACTUAL NOTICE AT ANY TIME**
16 **BEFORE THE SALE THAT THERE IS A PERSON HOLDING A LIEN OR OTHER INTEREST**
17 **IN THE PROPERTY WHO IS NOT INCLUDED ON THE MASTER SERVICE LIST AND WHOSE**
18 **IDENTITY AND ADDRESS ARE REASONABLY ASCERTAINABLE, THE RECEIVER SHALL**
19 **GIVE NOTICE OF THE TIME, PLACE, AND TERMS OF SALE TO THE PERSON AS**
20 **PROMPTLY AS REASONABLY PRACTICABLE.**

21 **(II) THE NOTICE MAY BE GIVEN IN ANY MANNER REASONABLY**
22 **CALCULATED TO INFORM THE PERSON OF THE SALE, INCLUDING BY TELEPHONE OR**
23 **ELECTRONIC TRANSMISSION.**

24 **(F) A LIEN OR OTHER INTEREST IN RECEIVERSHIP PROPERTY THAT IS**
25 **EXTINGUISHED BY A TRANSFER UNDER SUBSECTION (B) OF THIS SECTION**
26 **ATTACHES TO THE PROCEEDS OF THE TRANSFER WITH THE SAME VALIDITY,**
27 **PERFECTION, AND PRIORITY AS THE LIEN OR OTHER INTEREST IN THE PROPERTY**
28 **IMMEDIATELY BEFORE THE TRANSFER, EVEN IF THE PROCEEDS ARE NOT**
29 **SUFFICIENT TO SATISFY ALL OBLIGATIONS SECURED BY THE LIEN OR OTHER**
30 **INTEREST.**

31 **(G) A CREDITOR HOLDING A VALID LIEN ON THE RECEIVERSHIP PROPERTY**
32 **TO BE TRANSFERRED MAY PURCHASE THE RECEIVERSHIP PROPERTY AND OFFSET**
33 **AGAINST THE PURCHASE PRICE ALL OR PART OF THE ALLOWED AMOUNT SECURED**
34 **BY THE LIEN IF:**

1 **(1) THE CREDITOR TENDERS FUNDS SUFFICIENT TO SATISFY IN FULL**
2 **THE REASONABLE EXPENSES OF THE TRANSFER; AND**

3 **(2) THE OBLIGATION IS SECURED BY A SENIOR LIEN THAT IS**
4 **EXTINGUISHED BY THE TRANSFER.**

5 **(H) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
6 **THIS SUBSECTION APPLIES TO A REVERSAL OR MODIFICATION OF AN ORDER**
7 **APPROVING A TRANSFER UNDER SUBSECTION (B) OF THIS SECTION.**

8 **(II) THIS SUBSECTION DOES NOT APPLY IF THE COURT STAYED**
9 **THE ORDER BEFORE THE TRANSFER.**

10 **(2) REGARDLESS OF WHETHER A PERSON KNEW BEFORE THE**
11 **TRANSFER OF THE REQUEST FOR REVERSAL OR MODIFICATION, A REVERSAL OR**
12 **MODIFICATION OF AN ORDER APPROVING A TRANSFER DOES NOT:**

13 **(I) AFFECT THE VALIDITY OF THE TRANSFER TO A PERSON**
14 **THAT ACQUIRED THE RECEIVERSHIP PROPERTY IN GOOD FAITH; OR**

15 **(II) REVIVE AGAINST THE PERSON ANY LIEN OR OTHER**
16 **INTEREST EXTINGUISHED BY THE TRANSFER.**

17 **24-305.**

18 **(A) (1) (I) AT ANY TIME BEFORE A COURT'S APPROVAL OF A FINAL**
19 **REPORT UNDER § 24-602 OF THIS TITLE, A RECEIVER MAY ASSUME OR REJECT AN**
20 **EXECUTORY CONTRACT OF THE OWNER IF THE RECEIVER HAS PROVIDED NOTICE OF**
21 **THE CONTRACT AND AN OPPORTUNITY FOR A HEARING TO THE COUNTERPARTY TO**
22 **THE CONTRACT.**

23 **(II) IF THE REQUIREMENT UNDER SUBPARAGRAPH (I) OF THIS**
24 **PARAGRAPH IS NOT SATISFIED, THE EXECUTORY CONTRACT SHALL BE DEEMED**
25 **REJECTED.**

26 **(2) (I) THE COURT MAY CONDITION THE ASSUMPTION OR**
27 **REJECTION OF AN EXECUTORY CONTRACT ON THE TERMS AND CONDITIONS THAT**
28 **THE COURT DETERMINES ARE JUST AND PROPER UNDER THE PARTICULAR**
29 **CIRCUMSTANCES OF THE CASE, EXCEPT THAT A CONDITION TO ASSUMPTION SHALL**
30 **BE A PROMPT CURE OF ALL EXISTING MONETARY DEFAULTS.**

31 **(II) A RECEIVER'S PERFORMANCE OF AN EXECUTORY**
32 **CONTRACT BEFORE A COURT ORDER AUTHORIZING THE ASSUMPTION OR**

1 REJECTION OF THE CONTRACT DOES NOT CONSTITUTE AN ASSUMPTION OF THE
2 CONTRACT OR AN AGREEMENT TO ASSUME OR OTHERWISE PREVENT THE RECEIVER
3 FROM SEEKING THE COURT'S AUTHORITY TO REJECT THE CONTRACT.

4 (B) NOTWITHSTANDING THE TIME PERIOD FOR ASSUMPTION OR
5 REJECTION OF AN EXECUTORY CONTRACT UNDER SUBSECTION (A) OF THIS
6 SECTION, THE COURT, FOR CAUSE, MAY ORDER THE RECEIVER TO ASSUME OR
7 REJECT AN EXECUTORY CONTRACT AT ANY TIME AFTER THE RECEIVER'S
8 APPOINTMENT.

9 (C) ANY OBLIGATION OR LIABILITY INCURRED BY A RECEIVER AS A RESULT
10 OF THE RECEIVER'S ASSUMPTION OF AN EXECUTORY CONTRACT SHALL BE TREATED
11 AS AN EXPENSE OF THE RECEIVERSHIP.

12 (D) (1) A RECEIVER'S REJECTION OF AN EXECUTORY CONTRACT SHALL
13 BE:

14 (I) EFFECTIVE ON ENTRY OF AN ORDER OF REJECTION; AND

15 (II) TREATED AS A BREACH OF THE CONTRACT OCCURRING
16 IMMEDIATELY BEFORE THE ENTRY OF THE ORDER APPOINTING THE RECEIVER.

17 (2) THE RECEIVER'S RIGHT TO POSSESS OR USE RECEIVERSHIP
18 PROPERTY UNDER AN EXECUTORY CONTRACT SHALL TERMINATE ON REJECTION OF
19 THE CONTRACT.

20 (3) A CLAIM FOR DAMAGES FOR REJECTION OF AN EXECUTORY
21 CONTRACT SHALL BE SUBMITTED BEFORE THE LATER OF:

22 (I) THE TIME FOR SUBMITTING A CLAIM IN THE RECEIVERSHIP
23 CASE; OR

24 (II) 30 DAYS AFTER ENTRY OF THE ORDER APPROVING THE
25 REJECTION.

26 (E) A RECEIVER MAY NOT ASSUME AN EXECUTORY CONTRACT OF THE
27 OWNER WITHOUT THE CONSENT OF THE COUNTERPARTY TO THE CONTRACT IF:

28 (1) NOTWITHSTANDING THE ABSENCE OF ANY PROVISION IN THE
29 CONTRACT EXPRESSLY RESTRICTING OR PROHIBITING AN ASSIGNMENT OF THE
30 OWNER'S RIGHTS OR THE PERFORMANCE OF THE OWNER'S DUTIES, APPLICABLE
31 LAW WOULD EXCUSE A PARTY, OTHER THAN THE OWNER, FROM ACCEPTING
32 PERFORMANCE FROM OR RENDERING PERFORMANCE TO ANYONE OTHER THAN THE
33 OWNER;

1 **(2) THE CONTRACT IS A CONTRACT TO:**

2 **(I) MAKE A LOAN TO OR FOR THE BENEFIT OF THE OWNER;**

3 **(II) EXTEND CREDIT OR FINANCIAL ACCOMMODATION TO OR**
4 **FOR THE BENEFIT OF THE OWNER; OR**

5 **(III) ISSUE A SECURITY; OR**

6 **(3) THE CONTRACT EXPIRES BEFORE THE RECEIVER'S ASSUMPTION**
7 **OF THE CONTRACT BY THE CONTRACT'S OWN TERMS OR UNDER APPLICABLE LAW.**

8 **(F) A RECEIVER MAY NOT ASSIGN AN EXECUTORY CONTRACT WITHOUT**
9 **ASSUMING THE CONTRACT, ABSENT THE CONSENT OF THE COUNTERPARTY TO THE**
10 **CONTRACT.**

11 **(G) (1) THIS SUBSECTION APPLIES TO A REJECTION BY THE RECEIVER OF**
12 **AN EXECUTORY CONTRACT FOR:**

13 **(I) THE SALE OF REAL PROPERTY UNDER WHICH THE OWNER**
14 **IS THE SELLER AND THE PURCHASER IS IN POSSESSION OF THE REAL PROPERTY;**

15 **(II) THE SALE OF A REAL PROPERTY TIMESHARE INTEREST**
16 **UNDER WHICH THE OWNER IS THE SELLER;**

17 **(III) THE LICENSE OF INTELLECTUAL PROPERTY RIGHTS UNDER**
18 **WHICH THE OWNER IS THE LICENSOR; OR**

19 **(IV) THE LEASE OF REAL PROPERTY IN WHICH THE OWNER IS**
20 **THE LANDLORD.**

21 **(2) IF THE RECEIVER REJECTS AN EXECUTORY CONTRACT:**

22 **(I) A PURCHASER, LICENSEE, OR TENANT:**

23 **1. MAY TREAT THE REJECTION AS A TERMINATION OF**
24 **THE CONTRACT, LICENSE AGREEMENT, OR LEASE; OR**

25 **2. A. MAY REMAIN IN POSSESSION IN ACCORDANCE**
26 **WITH THE TERMS OF THE CONTRACT, LICENSE AGREEMENT, OR LEASE, AND FOR A**
27 **LEASE, ANY RENEWAL OR EXTENSION OF THE LEASE IN ACCORDANCE WITH THE**
28 **TERMS OF THE LEASE; AND**

1 **B. SHALL CONTINUE TO PERFORM ALL OBLIGATIONS**
2 **ARISING UNDER THE CONTRACT, LICENSE AGREEMENT, OR LEASE AS AND WHEN**
3 **THEY BECOME DUE, BUT MAY OFFSET AGAINST ANY PAYMENTS FOR ANY DAMAGES**
4 **OCCURRING AS A RESULT OF THE REJECTION AFTER THE REJECTION OCCURS;**

5 **(II) A PURCHASER OF REAL PROPERTY:**

6 **1. IS ENTITLED TO RECEIVE FROM THE RECEIVER ANY**
7 **DEED OR OTHER INSTRUMENT OF CONVEYANCE THAT THE OWNER IS OBLIGATED TO**
8 **DELIVER UNDER THE EXECUTORY CONTRACT WHEN THE PURCHASER BECOMES**
9 **ENTITLED TO RECEIVE THE DEED OR OTHER INSTRUMENT OF CONVEYANCE; AND**

10 **2. THE DEED OR OTHER INSTRUMENT OF CONVEYANCE**
11 **HAS THE SAME FORCE AND EFFECT AS IF DELIVERED BY THE OWNER;**

12 **(III) A PURCHASER, LICENSEE, OR TENANT THAT ELECTS TO**
13 **REMAIN IN POSSESSION UNDER THE TERMS OF THIS SUBSECTION HAS NO RIGHTS**
14 **AGAINST THE RECEIVER ON ACCOUNT OF ANY DAMAGES ARISING FROM THE**
15 **RECEIVER'S REJECTION EXCEPT AS EXPRESSLY PROVIDED IN THIS SUBSECTION;**
16 **AND**

17 **(IV) A PURCHASER OF REAL PROPERTY THAT ELECTS TO TREAT**
18 **REJECTION OF ANY EXECUTORY CONTRACT AS A TERMINATION HAS A LIEN AGAINST**
19 **THE OWNER'S INTEREST IN THE REAL PROPERTY FOR THE RECOVERY OF ANY**
20 **PORTION OF THE PURCHASE PRICE THAT THE PURCHASER HAS PAID.**

21 **(H) IF AT THE TIME A RECEIVER IS APPOINTED THE OWNER HAS THE RIGHT**
22 **TO ASSIGN AN EXECUTORY CONTRACT RELATING TO RECEIVERSHIP PROPERTY, THE**
23 **RECEIVER MAY ASSIGN THE CONTRACT WITH COURT APPROVAL IF THE RECEIVER:**

24 **(1) ASSUMES THE CONTRACT; AND**

25 **(2) PROMPTLY CURES ALL MONETARY DEFAULTS UNDER THE**
26 **CONTRACT.**

27 **(I) A RECEIVER MAY NOT REJECT AN UNEXPIRED LEASE OF REAL**
28 **PROPERTY UNDER WHICH THE OWNER IS THE LANDLORD IF:**

29 **(1) THE TENANT OCCUPIES THE LEASED PREMISES AS THE TENANT'S**
30 **PRIMARY RESIDENCE;**

31 **(2) THE RECEIVER WAS APPOINTED AT THE REQUEST OF A PERSON**
32 **OTHER THAN A MORTGAGEE; OR**

1 **(3) (I) THE RECEIVER WAS APPOINTED AT THE REQUEST OF A**
2 **MORTGAGEE; AND**

3 **(II) 1. THE LEASE IS SUPERIOR TO THE LIEN OF THE**
4 **MORTGAGE;**

5 **2. THE TENANT HAS AN ENFORCEABLE AGREEMENT**
6 **WITH THE MORTGAGEE OR THE HOLDER OF A SENIOR LIEN UNDER WHICH THE**
7 **TENANT'S OCCUPANCY WILL NOT BE DISTURBED AS LONG AS THE TENANT**
8 **PERFORMS THE TENANT'S OBLIGATIONS UNDER THE LEASE;**

9 **3. THE MORTGAGEE HAS CONSENTED TO THE LEASE,**
10 **EITHER IN A SIGNED RECORD OR BY THE MORTGAGEE'S FAILURE TO TIMELY OBJECT**
11 **THAT THE LEASE VIOLATED A PROVISION OF THE MORTGAGE; OR**

12 **4. A. THE TERMS OF THE LEASE WERE**
13 **COMMERCIALY REASONABLE AT THE TIME THE LEASE WAS AGREED TO BY THE**
14 **TENANT AND THE LANDLORD; AND**

15 **B. THE TENANT DID NOT KNOW OR HAVE REASON TO**
16 **KNOW THAT THE LEASE VIOLATED A PROVISION OF THE MORTGAGE.**

17 **(J) SECTION 4A-606 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE**
18 **MAY NOT BE AFFECTED BY A RECEIVER'S REJECTION OF AN EXECUTORY CONTRACT**
19 **UNDER THIS SECTION.**

20 **SUBTITLE 4. EFFECT OF RECEIVERSHIP.**

21 **24-401.**

22 **(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION OR**
23 **ORDERED BY THE COURT, THE ENTRY OF AN ORDER APPOINTING A RECEIVER**
24 **UNDER § 24-103(A)(2) OR (3) OF THIS TITLE SHALL OPERATE AS A STAY OF AN ACT**
25 **TO:**

26 **(1) COMMENCE OR CONTINUE A JUDICIAL, ADMINISTRATIVE, OR**
27 **OTHER ACTION OR PROCEEDING AGAINST THE OWNER THAT WAS OR COULD HAVE**
28 **BEEN COMMENCED BEFORE ENTRY OF THE ORDER;**

29 **(2) COLLECT, ASSESS, OR RECOVER A CLAIM AGAINST THE OWNER**
30 **THAT AROSE BEFORE ENTRY OF THE ORDER;**

1 **(3) OBTAIN POSSESSION OF, EXERCISE CONTROL OVER, OR ENFORCE**
2 **A JUDGMENT AGAINST THE RECEIVERSHIP PROPERTY OBTAINED BEFORE ENTRY OF**
3 **THE ORDER; OR**

4 **(4) CREATE, PERFECT, OR ENFORCE A LIEN OR OTHER CLAIM**
5 **AGAINST THE RECEIVERSHIP PROPERTY THAT AROSE BEFORE ENTRY OF THE**
6 **ORDER.**

7 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
8 **A COURT MAY ORDER A STAY OF AN ACT AGAINST OR RELATING TO AN OWNER IF THE**
9 **STAY IS NECESSARY TO:**

10 ~~**(1)**~~ **(I) PROTECT THE RECEIVERSHIP PROPERTY OR BUSINESS; OR**

11 ~~**(2)**~~ **(II) FACILITATE ADMINISTRATION OF THE RECEIVERSHIP.**

12 **(2) A COURT MAY NOT ORDER A STAY UNDER PARAGRAPH (1) OF THIS**
13 **SUBSECTION, WITH RESPECT TO A GOVERNMENTAL UNIT COMMENCING OR**
14 **CONTINUING AN ACTION OR PROCEEDING TO ENFORCE ITS POLICE OR REGULATORY**
15 **POWER, THAT INCLUDES ENFORCING A NONMONETARY JUDGMENT.**

16 **(C) UNLESS AN ORDER IS ENTERED UNDER SUBSECTION (B) OF THIS**
17 **SECTION, THE FOLLOWING MATTERS ARE NOT STAYED:**

18 **(1) AN ACT TO FORECLOSE OR OTHERWISE ENFORCE A MORTGAGE BY**
19 **THE PERSON SEEKING APPOINTMENT OF THE RECEIVER;**

20 **(2) AN ACT TO PERFECT, MAINTAIN, OR CONTINUE THE PERFECTION**
21 **OF AN INTEREST IN RECEIVERSHIP PROPERTY;**

22 **(3) COMMENCEMENT OR CONTINUATION OF A CRIMINAL**
23 **PROCEEDING;**

24 **(4) COMMENCEMENT OR CONTINUATION OF AN ACTION OR A**
25 **PROCEEDING BY A GOVERNMENTAL UNIT TO ENFORCE ITS POLICE OR REGULATORY**
26 **POWER;**

27 **(5) ENFORCEMENT OF A JUDGMENT OTHER THAN A MONEY**
28 **JUDGMENT IN AN ACTION OR A PROCEEDING BY A GOVERNMENTAL UNIT TO**
29 **ENFORCE ITS POLICE OR REGULATORY POWER;**

30 **(6) ESTABLISHMENT BY A GOVERNMENTAL UNIT OF A TAX LIABILITY**
31 **AGAINST THE OWNER OR RECEIVERSHIP PROPERTY OR AN APPEAL OF THE**
32 **LIABILITY;**

1 **(7) THE EXERCISE OF THE RIGHT OF SETOFF OR RECOUPMENT;**

2 **(8) THE COMMENCEMENT OF A BANKRUPTCY CASE UNDER TITLE 11**
3 **OF THE UNITED STATES CODE; OR**

4 **(9) ANY OTHER MATTER PROVIDED UNDER 11 U.S.C. § 362(B) TO THE**
5 **EXTENT NOT INCONSISTENT WITH ANY PROVISION OF THIS SECTION.**

6 **(D) A PERSON WHOSE ACT IS STAYED UNDER THIS SECTION MAY APPLY TO**
7 **THE COURT FOR RELIEF FROM THE STAY FOR CAUSE SHOWN.**

8 **(E) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION,**
9 **THE STAY SHALL TERMINATE AS TO RECEIVERSHIP PROPERTY WHEN:**

10 **(1) THE PROPERTY IS NO LONGER RECEIVERSHIP PROPERTY; OR**

11 **(2) THE COURT ENTERS:**

12 **(I) AN ORDER APPROVING THE FINAL REPORT; OR**

13 **(II) AN ORDER DISMISSING THE CASE.**

14 **(F) THE COURT MAY VOID AN ACT THAT VIOLATES A STAY UNDER THIS**
15 **SECTION.**

16 **(G) IF A PERSON WILLFULLY VIOLATES A STAY UNDER THIS SECTION, THE**
17 **COURT MAY:**

18 **(1) AWARD THE RECEIVER ACTUAL DAMAGES CAUSED BY THE**
19 **VIOLATION, INCLUDING REASONABLE FEES AND COSTS; AND**

20 **(2) SANCTION THE VIOLATION AS CIVIL CONTEMPT.**

21 **24-402.**

22 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
23 **AND UNLESS OTHERWISE ORDERED BY A COURT, A PERSON THAT HAS POSSESSION,**
24 **CUSTODY, OR CONTROL OF RECEIVERSHIP PROPERTY SHALL TURN THE**
25 **RECEIVERSHIP PROPERTY OVER TO THE RECEIVER ON DEMAND OF THE RECEIVER.**

26 **(2) IF A CREDITOR HAS POSSESSION, CUSTODY, OR CONTROL OF**
27 **RECEIVERSHIP PROPERTY AND THE VALIDITY, PERFECTION, OR PRIORITY OF THE**
28 **CREDITOR'S LIEN ON THE RECEIVERSHIP PROPERTY DEPENDS ON THE CREDITOR'S**
29 **POSSESSION, CUSTODY, OR CONTROL, SUBJECT TO § 24-401(C)(2) OF THIS**

1 SUBTITLE, THE CREDITOR MAY RETAIN POSSESSION, CUSTODY, OR CONTROL UNTIL
2 THE COURT ENTERS AN ORDER PROVIDING ADEQUATE PROTECTION OF THE
3 CREDITOR'S LIEN.

4 (B) A PERSON THAT HAS NOTICE OF THE APPOINTMENT OF A RECEIVER AND
5 OWES A DEBT THAT IS RECEIVERSHIP PROPERTY MAY NOT SATISFY THE DEBT BY
6 PAYMENT TO THE OWNER.

7 (C) IN THE ABSENCE OF A BONA FIDE DISPUTE WITH RESPECT TO THE
8 RECEIVER'S OR THE RESPONDENT'S RIGHT TO POSSESSION, CUSTODY, OR CONTROL
9 OF RECEIVERSHIP PROPERTY, THE COURT MAY SANCTION AS CIVIL CONTEMPT A
10 PERSON'S FAILURE TO TURN THE PROPERTY OVER WHEN REQUIRED BY THIS
11 SECTION.

12 24-403.

13 (A) EXCEPT AS PROVIDED BY COURT ORDER, AN OWNER SHALL:

14 (1) ASSIST AND COOPERATE WITH THE RECEIVER IN ADMINISTERING
15 THE RECEIVERSHIP AND DISCHARGING THE RECEIVER'S DUTIES;

16 (2) PRESERVE AND TURN OVER TO THE RECEIVER ALL
17 RECEIVERSHIP PROPERTY IN THE OWNER'S POSSESSION, CUSTODY, OR CONTROL,
18 INCLUDING ALL DEPOSITORY AND INVESTMENT ACCOUNTS;

19 (3) IDENTIFY AND TURN OVER ALL RECORDS AND OTHER
20 INFORMATION RELATING TO RECEIVERSHIP PROPERTY, INCLUDING ALL
21 PASSWORDS, KEYS, ALARM CODES, AUTHORIZATIONS, OR OTHER INFORMATION
22 NEEDED TO OBTAIN OR MAINTAIN ACCESS TO OR CONTROL OF RECEIVERSHIP
23 PROPERTY;

24 (4) MAKE AVAILABLE AND TURN OVER TO THE RECEIVER THE
25 RECORDS AND INFORMATION IN THE OWNER'S POSSESSION, CUSTODY, OR CONTROL,
26 INCLUDING ALL FINANCIAL RECORDS, ACCOUNTING RECORDS, BANK STATEMENTS,
27 LEASES, AND CONTRACTS;

28 (5) AFTER BEING ISSUED A SUBPOENA, SUBMIT TO EXAMINATION BY
29 THE RECEIVER THAT IS UNDER OATH REGARDING THE ACTS, CONDUCT, PROPERTY,
30 LIABILITIES, AND FINANCIAL CONDITION OF THE OWNER OR ANY MATTER RELATING
31 TO RECEIVERSHIP PROPERTY OR THE RECEIVERSHIP;

32 (6) REFRAIN FROM ENTERING THE RECEIVERSHIP PROPERTY AT ANY
33 TIME WITHOUT THE PRIOR EXPRESS WRITTEN CONSENT OF THE RECEIVER;

1 **(7) REFRAIN FROM INTERFERING WITH, OBSTRUCTING, OR**
2 **PREVENTING IN ANY WAY THE RECEIVER'S ACTIONS REGARDING THE RECEIVERSHIP**
3 **PROPERTY; AND**

4 **(8) PERFORM ANY DUTY IMPOSED BY COURT ORDER, THIS TITLE, OR**
5 **A LAW OF THE STATE OTHER THAN THIS TITLE.**

6 **(B) IF AN OWNER IS A PERSON OTHER THAN AN INDIVIDUAL, THIS SECTION**
7 **APPLIES TO:**

8 **(1) ANY PERSON ACTING IN CONCERT WITH THE OWNER AND THE**
9 **OWNER'S AGENTS; AND**

10 **(2) EACH OFFICER, DIRECTOR, MANAGER, MEMBER, PARTNER,**
11 **TRUSTEE, AFFILIATE, SUBSIDIARY, OR OTHER PERSON EXERCISING OR HAVING THE**
12 **POWER TO EXERCISE CONTROL OVER THE AFFAIRS OF THE OWNER.**

13 **(C) IF A PERSON KNOWINGLY FAILS TO PERFORM A DUTY IMPOSED BY THIS**
14 **SECTION, THE COURT MAY:**

15 **(1) AWARD THE RECEIVER:**

16 **(I) ACTUAL DAMAGES CAUSED BY THE PERSON'S FAILURE;**

17 **(II) REASONABLE ATTORNEY'S FEES; AND**

18 **(III) COSTS; OR**

19 **(2) SANCTION THE FAILURE AS CIVIL CONTEMPT.**

20 **24-404.**

21 **EXCEPT AS OTHERWISE PROVIDED BY A LAW OF THE STATE OTHER THAN THIS**
22 **TITLE, PROPERTY THAT A RECEIVER OR AN OWNER ACQUIRES AFTER APPOINTMENT**
23 **OF THE RECEIVER IS SUBJECT TO A SECURITY AGREEMENT ENTERED INTO BEFORE**
24 **THE APPOINTMENT TO THE SAME EXTENT AS IF THE COURT HAD NOT APPOINTED**
25 **THE RECEIVER.**

26 **24-405.**

27 **A REQUEST BY A MORTGAGEE FOR THE APPOINTMENT OF A RECEIVER, THE**
28 **APPOINTMENT OF A RECEIVER, OR THE APPLICATION BY A MORTGAGEE OF**
29 **RECEIVERSHIP PROPERTY OR PROCEEDS TO THE SECURED OBLIGATION DOES NOT:**

1 **(1) MAKE THE MORTGAGEE A MORTGAGEE IN POSSESSION OF THE**
2 **REAL PROPERTY;**

3 **(2) MAKE THE MORTGAGEE AN AGENT OF THE OWNER;**

4 **(3) CONSTITUTE AN ELECTION OF REMEDIES THAT PRECLUDES A**
5 **LATER ACTION TO ENFORCE THE SECURED OBLIGATION;**

6 **(4) MAKE THE SECURED OBLIGATION UNENFORCEABLE; OR**

7 **(5) LIMIT ANY RIGHT AVAILABLE TO THE MORTGAGEE WITH RESPECT**
8 **TO THE SECURED OBLIGATION.**

9 **24-406.**

10 **(A) AN ASSIGNEE FOR THE BENEFIT OF CREDITORS SHALL BE TREATED AS**
11 **A RECEIVER APPOINTED UNDER § 24-201(A)(3) OF THIS TITLE.**

12 **(B) THE PROPERTY ASSIGNED SHALL BE TREATED AS RECEIVERSHIP**
13 **PROPERTY.**

14 **(C) EXCEPT FOR § 24-201 OF THIS TITLE, THIS TITLE SHALL GOVERN ALL**
15 **PROCEEDINGS FOLLOWING THE FILING OF THE ASSIGNMENT.**

16 **SUBTITLE 5. AUTHORITY OF THE COURT.**

17 **24-501.**

18 **(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS**
19 **SECTION, THE COURT MAY ISSUE AN ORDER UNDER THIS TITLE ONLY AFTER NOTICE**
20 **AND AN OPPORTUNITY FOR A HEARING.**

21 **(B) THE COURT MAY ISSUE AN ORDER UNDER THIS TITLE:**

22 **(1) IF THE CIRCUMSTANCES REQUIRE ISSUANCE OF AN ORDER**
23 **BEFORE NOTICE IS GIVEN, WITHOUT PRIOR NOTICE;**

24 **(2) IF THE CIRCUMSTANCES REQUIRE ISSUANCE OF AN ORDER**
25 **BEFORE A HEARING IS HELD, AFTER NOTICE AND WITHOUT A PRIOR HEARING; OR**

26 **(3) IF NO INTERESTED PARTY TIMELY REQUESTS A HEARING, AFTER**
27 **NOTICE AND WITHOUT A HEARING.**

1 (C) THE RECEIVER SHALL FILE PERIODICALLY WITH THE COURT A MASTER
2 SERVICE LIST CONSISTING OF THE NAMES, MAILING ADDRESSES, AND, WHERE
3 AVAILABLE, FACSIMILE NUMBERS AND E-MAIL ADDRESSES OF:

4 (1) THE RESPONDENT;

5 (2) THE RECEIVER;

6 (3) ALL PERSONS JOINED AS PARTIES IN THE RECEIVERSHIP;

7 (4) ALL PERSONS KNOWN BY THE RECEIVER TO HAVE ASSERTED ANY
8 OWNERSHIP OF OR LIEN IN RECEIVERSHIP PROPERTY;

9 (5) ALL PERSONS THAT HAVE FILED A NOTICE OF APPEARANCE IN
10 ACCORDANCE WITH THIS SECTION; AND

11 (6) ANY ATTORNEY OF RECORD.

12 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AND UNLESS THE
13 COURT ORDERS OTHERWISE, A MOTION SHALL BE SERVED IN ACCORDANCE WITH
14 THE MARYLAND RULES ON:

15 (1) ALL PERSONS ON THE MASTER SERVICE LIST;

16 (2) ALL PERSONS THAT HAVE ASSERTED AN OWNERSHIP INTEREST
17 OR LIEN IN RECEIVERSHIP PROPERTY THAT IS THE SUBJECT OF THE MOTION;

18 (3) ALL PERSONS THAT ARE IDENTIFIED IN THE MOTION AS DIRECTLY
19 AFFECTED BY THE RELIEF REQUESTED; AND

20 (4) ANY OTHER PERSON AS THE COURT MAY DIRECT.

21 **24-502.**

22 ~~(A) A PARTY MAY FILE AN APPEAL FROM AN INTERLOCUTORY ORDER WITH~~
23 ~~THE COURT OF SPECIAL APPEALS FROM ANY COURT ORDER IN A RECEIVERSHIP~~
24 ~~PROCEEDING BY FILING AN APPLICATION FOR LEAVE TO APPEAL UNDER THE~~
25 ~~PROCEDURE SET FORTH IN MARYLAND RULE 8-204.~~

26 ~~(B) THE COURT, ON REQUEST OF THE COURT OF SPECIAL APPEALS, SHALL~~
27 ~~SUBMIT TO THE COURT OF SPECIAL APPEALS A WRITTEN CERTIFICATION STATING~~
28 ~~WHETHER, IN ITS OPINION:~~

~~(1) THE INTERLOCUTORY ORDER INVOLVES A CONTROLLING QUESTION OF LAW AS TO WHICH THERE IS A SUBSTANTIAL GROUND FOR DIFFERENCE OF OPINION; AND~~

~~(2) WHETHER AN IMMEDIATE APPEAL OF THE INTERLOCUTORY ORDER MAY MATERIALLY ADVANCE THE ULTIMATE CONCLUSION OF THE RECEIVERSHIP PROCEEDING.~~

~~(C) AFTER RECEIVING A WRITTEN CERTIFICATION FROM THE COURT, THE COURT OF SPECIAL APPEALS SHALL DETERMINE WHETHER TO GRANT OR DENY THE APPLICATION FOR LEAVE TO APPEAL.~~

IF AN ORDER ENTERED IN A PROCEEDING UNDER THIS TITLE IS NOT A FINAL ORDER AND THE COURT DETERMINES IN A WRITTEN ORDER THAT THERE IS NO JUST REASON FOR DELAY, THE COURT MAY DIRECT THE ENTRY OF A FINAL ORDER AS SET FORTH IN MARYLAND RULE 2-602(B).

SUBTITLE 6. REPORTING.

24-601.

(A) A RECEIVER:

(1) MAY FILE AN INTERIM REPORT; OR

(2) IF ORDERED BY THE COURT, SHALL FILE AN INTERIM REPORT.

(B) THE INTERIM REPORT UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) THE ACTIVITIES OF THE RECEIVER SINCE APPOINTMENT OR A PREVIOUS INTERIM REPORT;

(2) RECEIPTS AND DISBURSEMENTS, INCLUDING ANY PAYMENT MADE OR PROPOSED TO BE MADE TO A PROFESSIONAL ENGAGED BY THE RECEIVER;

(3) RECEIPTS AND DISPOSITIONS OF RECEIVERSHIP PROPERTY;

(4) FEES AND EXPENSES OF THE RECEIVER AND, IF NOT FILED SEPARATELY, A REQUEST FOR APPROVAL OF PAYMENT OF THE FEES AND EXPENSES; AND

(5) ANY OTHER INFORMATION REQUIRED BY THE COURT.

1 **24-602.**

2 (A) ON COMPLETION OF A RECEIVER'S DUTIES, THE RECEIVER SHALL FILE
3 A FINAL REPORT THAT INCLUDES:

4 (1) A DESCRIPTION OF THE ACTIVITIES OF THE RECEIVER DURING
5 THE COURSE OF THE RECEIVERSHIP;

6 (2) A LIST OF RECEIVERSHIP PROPERTY AT THE COMMENCEMENT OF
7 THE RECEIVERSHIP AND ANY RECEIVERSHIP PROPERTY RECEIVED DURING THE
8 RECEIVERSHIP;

9 (3) A LIST OF DISBURSEMENTS, INCLUDING PAYMENTS TO
10 PROFESSIONALS ENGAGED BY THE RECEIVER;

11 (4) A LIST OF DISPOSITIONS OF RECEIVERSHIP PROPERTY;

12 (5) A LIST OF DISTRIBUTIONS MADE OR PROPOSED TO BE MADE FROM
13 THE RECEIVERSHIP PROPERTY FOR CREDITOR CLAIMS;

14 (6) IF NOT FILED SEPARATELY, A REQUEST FOR APPROVAL OF THE
15 PAYMENT OF FEES AND EXPENSES OF THE RECEIVER; AND

16 (7) ANY OTHER INFORMATION REQUIRED BY THE COURT.

17 (B) THE RECEIVER IS DISCHARGED IF:

18 (1) A COURT APPROVES A FINAL REPORT FILED UNDER SUBSECTION
19 (A) OF THIS SECTION; AND

20 (2) THE RECEIVER DISTRIBUTES ALL RECEIVERSHIP PROPERTY.

21 **SUBTITLE 7. ACTIONS AGAINST RECEIVER AND TERMINATION OF RECEIVERSHIP.**

22 **24-701.**

23 (A) A COURT MAY AWARD TO A RECEIVER FROM RECEIVERSHIP PROPERTY
24 OR PROCEEDS THE REASONABLE AND NECESSARY FEES AND EXPENSES OF
25 PERFORMING THE DUTIES AND EXERCISING THE POWERS OF THE RECEIVER.

26 (B) A COURT MAY ORDER ONE OR MORE OF THE FOLLOWING PERSONS TO
27 PAY THE REASONABLE AND NECESSARY FEES AND EXPENSES OF THE
28 RECEIVERSHIP, INCLUDING REASONABLE ATTORNEY'S FEES AND COSTS:

1 **(1) A PERSON THAT REQUESTED THE APPOINTMENT OF THE**
2 **RECEIVER, IF THE RECEIVERSHIP DOES NOT PRODUCE SUFFICIENT FUNDS TO PAY**
3 **THE FEES AND EXPENSES; OR**

4 **(2) A PERSON WHOSE CONDUCT WOULD HAVE JUSTIFIED THE**
5 **APPOINTMENT OF THE RECEIVER UNDER § 24-201(A)(1) OF THIS TITLE.**

6 **24-702.**

7 **(A) A RECEIVER IS ENTITLED TO ALL DEFENSES AND IMMUNITIES UNDER**
8 **APPLICABLE STATE LAW FOR AN ACT OR OMISSION WITHIN THE SCOPE OF THE**
9 **RECEIVER'S APPOINTMENT.**

10 **(B) A PERSON SHALL RECEIVE APPROVAL FROM THE COURT THAT**
11 **APPOINTED THE RECEIVER BEFORE TAKING THE FOLLOWING ACTIONS:**

12 **(1) AN ACTION AGAINST THE RECEIVER PERSONALLY BASED ON AN**
13 **ACT OR OMISSION IN ADMINISTERING RECEIVERSHIP PROPERTY; AND**

14 **(2) AN ACTION BY A PERSON OTHER THAN THE RECEIVER AGAINST A**
15 **PROFESSIONAL PERSON THAT HAS PROVIDED SERVICES TO THE RECEIVER BASED**
16 **ON AN ACT OR OMISSION IN PERFORMING THE SERVICES.**

17 **24-703.**

18 **(A) A COURT MAY REMOVE A RECEIVER FOR CAUSE ON ITS OWN MOTION OR**
19 **THE MOTION OF AN INTERESTED PARTY.**

20 **(B) A COURT SHALL REPLACE A RECEIVER THAT DIES, RESIGNS, OR IS**
21 **REMOVED.**

22 **(C) A RECEIVER REPLACED UNDER SUBSECTION (B) OF THIS SECTION IS**
23 **DISCHARGED IF A COURT FINDS THAT A RECEIVER THAT RESIGNS OR IS REMOVED,**
24 **OR THE REPRESENTATIVE OF A DECEASED RECEIVER, HAS:**

25 **(1) ACCOUNTED FULLY FOR AND TURNED OVER TO THE SUCCESSOR**
26 **RECEIVER ALL RECEIVERSHIP PROPERTY; AND**

27 **(2) FILED A REPORT OF ALL RECEIPTS AND DISBURSEMENTS DURING**
28 **THE SERVICE OF THE REPLACED RECEIVER.**

29 **(D) ON THE TRANSFER OF TITLE TO ANY RECEIVERSHIP PROPERTY, THE**
30 **RECEIVERSHIP SHALL TERMINATE AUTOMATICALLY AS TO RECEIVERSHIP**
31 **PROPERTY SUBJECT TO THE REQUIREMENTS OF § 24-602 OF THIS TITLE.**

1 (E) A COURT MAY DISCHARGE A RECEIVER AND TERMINATE THE COURT'S
2 ADMINISTRATION OF THE RECEIVERSHIP PROPERTY IF THE COURT FINDS THAT:

3 (1) APPOINTMENT OF THE RECEIVER WAS IMPROVIDENT; OR

4 (2) THE CIRCUMSTANCES NO LONGER WARRANT CONTINUATION OF
5 THE RECEIVERSHIP.

6 SUBTITLE 8. SHORT TITLE.

7 24-801.

8 THIS TITLE MAY BE CITED AS THE MARYLAND COMMERCIAL RECEIVERSHIP
9 ACT.

10 Article - Corporations and Associations

11 3-416.

12 [The] EXCEPT AS PROVIDED IN § 24-203 OF THE COMMERCIAL LAW ARTICLE,
13 THE court may appoint any person as receiver, including an officer, director, or stockholder
14 of the corporation.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.